

BOARD OF MAYOR AND ALDERMEN

October 5, 2004

7:30 PM

Mayor Baines called the meeting to order in joint session with the Library Trustees.

The Clerk called the roll.

Present:

Board of Aldermen: Aldermen Roy, Gatsas, Guinta, Sysyn, Osborne, Porter, O’Neil, Lopez, Shea, DeVries, Garrity, Smith, Thibault, Forest

Library Trustees: Kevin C. Devine, Mary Heath, Madeleine G. Roy, Karen Sheehan-Lord, Joseph Sullivan

Absent:

Library Trustees: Joanne Barrett, Jeffery Hickock

Mayor Baines advised that nominations are in order to fill the expired term of Karen Sheehan-Lord; such nominations to be made for a term to expire October 1, 2010.

Alderman Roy moved to nominate Karen Sheehan-Lord to the Library Trustees, term to expire October 1, 2010. Kevin Devine duly seconded the motion.

On motion of Alderman Forest, duly seconded by Kevin Devine it was voted to close the nominations.

Mayor Baines called for a vote on the nomination of Karen Sheehan-Lord. There being none opposed, the motion carried.

Alderman Lopez moved to confirm the nomination under suspension of the rules. Alderman Roy duly seconded the motion. Mayor Baines called for a vote. There being none opposed, the motion carried.

Proclamation in honor of the Manchester City Library’s 150th Anniversary.

Proclamation

- Whereas** the Manchester City Library was established on September 6, 1854 when it officially accepted the collection of the private Manchester Athenaeum during the Mayoral tenure of Frederick Smith; and
- Whereas** the Manchester City Library followed the establishment of the Peterborough Library in 1833 and joined the libraries of Exeter, Walpole and Concord, all established in 1854; and
- Whereas** the Manchester City Library began celebrating 150 years of service to the citizens of Manchester on Monday, September 6, 2004; and

Whereas the Manchester City Library is the largest public library in the State of New Hampshire; and
Whereas the library provides educational and leisure materials in automated and non-automated formats to Manchester's diverse and ever changing population; and
Whereas the library represents and actively promotes free speech and expression and shares its collections with other libraries in the community via inter-library loan, and
Whereas the Manchester City Library will continue its leadership role in Manchester providing quality information services to the citizens of the City of Manchester throughout the 21st Century,

NOW, THEREFORE, I, ROBERT A. BAINES, by virtue of the authority vested in me as the MAYOR OF THE CITY OF MANCHESTER, do hereby proclaim this day to be Manchester City Library Day in the City of Manchester and call upon all Manchester residents to celebrate this fine institution.

s/Robert A. Baines, Mayor
October 5, 2004

Kevin Devine, Library Trustee, stated on behalf of the citizens of Manchester who enjoy our library and its services and all of the books that this Board funds and on behalf of the Trustees who serve the public, we thank the City of Manchester.

There being no further business to come before the joint session, on motion of Alderman Roy, duly seconded by Kevin Devine it was voted to adjourn.

Mayor Baines called the regular meeting of the Board to order.

The Clerk called the roll.

Present: Aldermen Roy, Gatsas, Guinta, Sysyn, Osborne, Porter, O'Neil, Lopez, Shea, DeVries, Garrity, Smith, Thibault and Forest

Mayor Baines called Shawn Smith of the New Hampshire Fisher Cats forward for a proclamation. As you know this has been a great year for minor league baseball returning to the City of Manchester with the restoration of historic Gill Stadium and have as their inhabitants the Eastern League franchise of the Toronto Blue Jays, the NH Fisher Cats. I want to publicly commend Drew Weber and his wife, Joanne, for this investment and faith in our community and I want to thank the Board of Mayor and Aldermen and the public for supporting this endeavor that has really brought historic Gill Stadium back to life for the enjoyment of all of the student athletes here in the City of Manchester. I would like to turn my attention to this wonderful accomplishment, their first year in our City, to the NH Fisher Cats. We had a great rally last week in City Hall. Over 200 people showed up. It was a magnificent event.

Proclamation

Whereas the New Hampshire Fisher Cats have won the 2004 Eastern League Championship, and

Whereas the record of the Fisher Cats compiled during their inaugural season is a source of great pride not just for the team and their families but for the entire community, and

Whereas the hard work and determination these young men demonstrated this Evening results in Manchester’s first professional sports championship, and

Whereas the community at large is proud of their team and is looking forward to enjoying our nation’s pastime for many years to come here in the great City of Manchester

***NOW, THEREFORE, I, ROBERT A. BAINES,** by virtue of the authority vested in me as **the MAYOR OF THE CITY OF MANCHESTER,** do hereby commend the 2004 Eastern League Champions for the New Hampshire Fisher Cats and wish them many more years of success in our great City.*

s/Robert A. Baines, Mayor
October 5, 2004

Shawn Smith, Fisher Cats General Manager, stated this Board of Mayor and Aldermen certainly has given us their support over the years and we thank you for that and hopefully we made you guys proud of what we were able to accomplish this year. We achieved our goals, not only off the field with a higher attendance than we expected operating at 92% capacity all summer long at Gill, but also bringing home something that we didn’t promise and that was a championship trophy. This community has welcomed us with open arms. I said it many times – you ain’t seen nothing yet. You have just started to see what Fisher Cats baseball is all about. I have seen a lot of your faces at the ballpark this summer and I hope to see everybody’s faces down here on the river coming up soon and last but certainly not least I would be remiss if I did not thank Gill Stadium itself. The 91-year old beauty served us well and we are honored to have been a guest in that facility and to turn it back over to Ron Ludwig and his staff and most importantly to the children of this community so they can enjoy it as much as we did this year. Thank you very much.

Mayor Baines stated while we are talking about Gill Stadium, Ron, you and your staff deserve a tremendous amount of credit for your work in turning around the stadium and opening it up for football here in the City of Manchester this past weekend. It was a great effort. You know sometimes City workers get maligned from time to time but in this case they did a stellar job and as a result of that, football and youth sports have once again returned to Gill Stadium. Congratulations on a job well done!

Mayor Baines called Jack Brady forward.

Presentation of a Key to the City to Jack Brady for his contributions to the City through his service on the Zoning Board of Adjustment.

Mayor Baines stated a lot of times people who serve on different Boards and Commission in this City do not receive...there a lot of people waving to you up there by the way...but you know people serve on these various Boards and Commissions and not to slight any and some Board members here will appreciate what I am saying when you serve on the Planning Board and the Zoning Board you really sacrifice on behalf of the City making some of the most critical and important decisions for the future of our City and occasionally we have an opportunity, not as often as we should, to recognize those people who have put their lives and their careers on the line and sacrificed personally with their families for service to our great City. Jack served in this capacity for 23 years. You think about the progress that he has seen and the change that he has seen in the great progress of the City you can see his fingerprints in various efforts to promote responsible growth and development in our City. In my tenure as Mayor I can say with a great deal of conviction that he served with honesty and integrity and perhaps the two most important attributes of anyone serving on those Boards because of the difficult decisions that have to be made you have to be very, very careful in terms of your honesty and your personal integrity and in this case he provided an example worthy of emulation for all who serve on these citizen boards. If all could serve in the way and in the manner that he served then indeed our City will be in very good hands. It is with that spirit that I present this key to the City to Jack Brady for recognition of your outstanding service to the people of Manchester. It is a great honor and privilege to me as Mayor of the City to present this to such a deserving recipient. Congratulations, Jack. Mayor Baines asked the family to come down and join Jack for a picture.

Jack Brady introduced his family and stated I would just like to take this opportunity to thank the Mayor and the Board of Aldermen for the honor that you have bestowed on me this evening. I have served this great City of ours for over 23 year. I have thoroughly enjoyed myself on the various Boards that I have served on over the years and I have met some truly wonderful people. I have always believed that a person should give back to the city or town in which they live. This has been my way of doing this and I hope my children and grandchildren will do the same. What a great experience this is tonight to have my family, my grandchildren and friends here to share this very special evening with me. Thank you Mr. Mayor and Aldermen. I truly appreciate the recognition you have given me this evening. Thank you very much.

Presentation of Certificates of Appreciation in recognition of the first contributors to the Manchester Art Fund.

Mayor Baines called the members of the Art Commission forward – Al St. Cyr, Richard Maynard and Georgie Reagan. What we have in Manchester as many of you know is a really emerging and very robust arts community in the City. The City has done some great things to promote the arts like the decision to buy the Rines Center and keep the McIninch Art Gallery and that recommendation was accepted by the Board and we sincerely appreciate

it and the display of art in our City Hall building, which has brought new life and vitality to our building and an appreciation for the arts in various art galleries that are popping up across the community. The arts has taken on a renewed importance in our community, not only the visual arts but the performing arts. This is a great honor for us to recognize people who are helping us make a difference especially with the art fund, which is being commemorated back here to support the public arts and if I can just take a brief moment, on our visit to Quebec City, which was a very productive meeting that we will report on in depth at some other time, we were struck by the importance of arts or the real strong partnership between arts and government. In fact, the Economic Development Office in Quebec City is shared by the arts school of Laval University. That is the important that they put on the arts and economic development and the centerpiece of their revitalization of their downtown is the arts community, along with an urban park that is absolutely spectacular but they have a program that Georgie is promoting consistently, which is 1% for the arts. Any expenditure of public funds for public buildings, 1% of that allocation goes to public arts. So public arts surrounds the community and has been a very important part of the revitalization of that City as it is to the revitalization of Manchester. We would like to single out some people that are helping us put arts at the forefront of the hearts and minds of people in our community and the first recipient is the first contributor to the art fund, a local Manchester artist who happens to be a good personal friend of mine – Phyllis Stewart. Basically the certificates I am handing out read “Presented by the Manchester Arts Commission with heartfelt thanks for your generous contributions to the Manchester Art Fund. Your act of kindness will enrich more people than you can ever imagine and we are sincerely grateful.” The next certificate goes to a photographer and artist, Jeffrey Ward. The next gentleman has a wonderful display in City Hall right now of very important places in the City. If you haven’t had a chance to see it or people in the community are watching if you want to see a real celebration of Manchester come down to City Hall and wander the corridors and experience the wonderful photography of this gentleman. It is with great honor and privilege that I present this certificate of appreciation to Ron Boucher. The next presentation is to Robert and Mary Raiche. I guess they are not present but let’s congratulate them anyway. The last certificate is presented to Sue Ritze representing the Manchester Artist’s Association, which again is becoming a very dynamic force for arts in our community. Thank you for all you are doing on behalf of the arts here in the City of Manchester. Thank you. Alderman Lopez will make the next presentation.

Alderman Lopez stated the reason I am up here is I was asked to be up here by the Arts Commission and the Mayor to present this to an individual and the reason I am presenting it is because I know this individual. I played darts with her father for a number of years at the youth center over on Maple Street and I knew him for a number of years working in the Lion’s organization and he was a fine gentleman. His daughter called me one day and she said can you give me some recommendations. I gave her some recommendations and I am so happy that she picked the arts because her father liked music. Susan M. Lajoie we appreciate that. Please come up and pick up your certificate.

Attorney David Nixon to report on the Senior Activity Center fund raising efforts.

Mayor Baines asked Attorney David Nixon to come forward. While he is on his way up here I would like to publicly...this is not on the lawsuit but on the senior center so Leslee you don't have to come up yet. Could you just update the Board on what is going on with the senior center and fundraising and the progress that is being made? Again, thank you for your efforts.

Atty. David Nixon stated ladies and gentlemen, honorable Mayor and Board of Aldermen, I wasn't expecting to say anything about the fundraising activities for the senior center tonight but I am glad to. I have my helper right beside me, the Director of Elderly Services, Barbara Vigneault. Briefly to recap since you have a long night a couple of years ago it came out that the City didn't have the funds to properly fund the refurbishing of the senior center. It occurred to me that this might be something that the City could rally around like it did with the Verizon and the baseball stadium and many other things. I do compliment the changes you have made to this City in the past few years. I mentioned it to Mayor during one of the times when he was probably looking for a political contribution and I said this is something that we really ought to get the citizens interested in. The next thing you know, George Smith told me that I was chosen to raise \$500,000 for the senior center. So I got to work and with the help of all of you, particularly Aldermen Porter, Forest, Thibault and Lopez and with the help of Barbara Vigneault we got the thing off the ground. Very briefly, through private contributions and through raffles and the golf tournament that I co-chaired with Louis Craig and my good partner Bob Raiche, we thus have raised pledges and donations of about \$300,00 towards the \$500,000 goal. You were good enough to vote that the building would be named after former Alderman Bill Cashin, who is a friend of mine. I had a meeting with the Mayor and Bill Cashin to ask him to serve as honorary chair of the fundraising with me because as I pointed out to him, we are designating various rooms in honor of contributions at various levels and naming rights so-called for the senior center are a \$500,000 ticket and I told Bill I would accept his \$500,000. The fundraising is ongoing and we will keep going on until we reach our goal. I want to thank all of you. The Mayor has been really supportive. Nobody likes to go and ask for a handout, especially when you are doing it for public service. Seth Wall has also helped out. Thank you all.

Alderman Roy stated I asked the Mayor if I could thank you, David, for your hard work and the hard work of Barbara Vigneault, as well as the committee. I had the luxury of playing on the winning team at the recent Senior Center Golf Open at the Derryfield Country Club. A fantastic day was had by all. We will work with you with a calculator next year on your score card but thank you for allowing us to win and on behalf of all of the seniors that helped and the fantastic golfers it was a very enjoyable day and the work that went into it from literally dawn until dusk was very well appreciated.

Barbara Vigneault, Elderly Services Director, stated I would like to thank Attorney Nixon first for all of his hard work. People don't know how many hours this man spent and how he has shown such leadership because he has really rallied the troops to get people to do this and we really appreciate his efforts and the efforts of his firm. They have really been very dedicated to the cause and I really appreciate their help. We are going to be moving the last week of October into the new building and we are hoping to have the grand opening on November 17 so everyone please put the date in your calendar. We are going to have a special event that day with the ribbon cutting ceremony at 11 AM and everyone is invited to attend. We are going to be holding special activities throughout the building so people can see what the events will be like at different exhibits. It should be a very exciting time. We are going to have a band and dancing and partying all day long.

Mayor Baines stated the Mayor is paying for the band.

Ms. Vigneault responded yes the Mayor is paying for the band. We have a beautiful hardwood floor for ballroom dancing so everyone can have the chance to show off their ballroom dancing skills. We really do appreciate the fact that we have such a beautiful building and I want to thank the Board. I know you had some long hours and long nights figuring out how to best serve the seniors of Manchester. Everyone who was involved I would like to thank.

Mayor Baines stated the building is absolutely breathtaking. Barbara and I were talking. We are so anxious to see the seniors actually walk through the doors and see the beautiful building that has been built in their honor to respect what they have done for community.

Alderman Gatsas stated I think about three and a half months ago I made a motion to ease the pain on Attorney Nixon that we come forward and complete the funding of the senior center. I made the motion that those funds would come from Hands Across the Merrimack. I think you gave Finance the dutiful job of finding the financing elsewhere but it is probably kind of like that procurement code I asked for that is kind of still dangling.

Mayor Baines asked does Frank Thomas have that too.

Alderman Gatsas answered I don't know who has it anymore but who has the \$200,000 that we told them to look for. If they haven't found it, we need to vote on the Hands Across the Merrimack bond to separate it out of that bond and move it forward.

Kevin Cloughery, Finance Director, stated that is not exactly what the charge was. At the time, the question was would there be enough appropriation authority to go ahead and complete the building. The Board took an action to allow for the necessary funds to go forward understanding that there was a fundraising effort that was going to be continuing. In

the event that the fundraising effort is something that the Board does not want to change then certainly we would go and look at alternatives.

Mayor Baines stated that may have gone through the cracks but Finance was asked to look for some alternatives and make a recommendation to the Board.

Alderman Gatsas responded I think it was very specific. My motion was very specific about using \$200,000 from the bond for Hands Across the Merrimack. Alderman Shea seconded the motion and you had us at that point suspend it and leave it on the table or withdraw the motion so that Finance could find the \$200,000 in other little cubbyholes that might have been hanging around.

Mayor Baines replied well Kevin and I will sit down and talk about this and come back to the next meeting of the Board with recommendations.

Alderman Gatsas moved to allocate \$200,000 to complete the senior center.

Mayor Baines stated well we have to find a source for funding first. You are absolutely correct.

Alderman Gatsas replied I just made a motion. Will you accept the motion?

Mayor Baines responded no because we haven't found a funding source yet.

Alderman Gatsas stated the funding source we had was the bond for the Hands Across the Merrimack.

Mayor Baines responded that has already been dealt with. We will wait until we get a recommendation from the Finance Officer so we can deal with it at that time.

Alderman Lopez stated I was told that we have all of the necessary funds to complete the senior center, including the equipment and everything, as of today.

Mayor Baines asked Mr. Clougherty is that your understanding.

Mr. Clougherty responded I think the Public Works Director has said on several occasions that the appropriation is there. He has the necessary appropriation to complete the job and do what he needs to do to finish the building.

Alderman Lopez stated the other thing I would ask the Finance Officer and we have had some conversations about it, is I think there is an accountability aspect of a couple of hundred thousand dollars at the end of the year. Could you explain that?

Mr. Clougherty responded the discussion we had at the time was do you want to curtail the efforts of the committee that is going out and doing the fundraising midway through this process. It is not something where we need the dollars right now to complete the project. We are not running on an operating budget cycle with this project and it is not something that is going to impact the tax rate. It is something that is on a capital budget sequence and you have more time to deal with it. My recollection is that it was the thinking of the Board to provide as much time to the committee to raise as much as they can to lower that number instead of being \$200,000 to something perhaps lower. At that time we had mentioned that there are other sources that are available and certainly if the Board wants a list of all of the balances we will do that.

Mayor Baines stated there is nothing immediate with this tonight. We can deal with it at the next meeting.

On motion of Alderman Thibault, duly seconded by Alderman Osborne it was voted to recess the meeting to meet with legal council.

Mayor Baines called the meeting back to order.

Mayor Baines stated I want to congratulate the Board for standing up for the integrity of the legislative process to see this thing through an end and hopefully the spirit of the laws of the State of New Hampshire will prevail on the appeal.

Mayor Baines asked Mr. Clougherty to brief the Board on the refunding that the City just went through on several bond projects, including part of the school funding.

Mr. Clougherty stated the City was able to capitalize on a very brief window where interest rates were lowered. We funded a portion of the \$100 million school bonds and the refunding of \$60 million resulted in budget savings of \$5.1 million. In FY05 the savings will be \$173,671 and for the next five years it is approximately \$175,000 and then \$200,000 to \$250,000 thereafter.

CONSENT AGENDA

Mayor Baines advised if you desire to remove any of the following items from the Consent Agenda, please so indicate. If none of the items are to be removed, one motion only will be taken at the conclusion of the presentation.

Approve under supervision of the Department of Highways

- A. PSNH Pole Petition #11-1018 located on Candia Road;
PSNH Pole Petition #12-189 located on Alsace Street;

Verizon Pole Petition #9AAR8Z located on West Hancock Street; and
Verizon Pole Petition #9AASNS located on Tondreau Court.

Informational – to be Received and Filed

- B.** Communication from Leo Bernier, City Clerk, submitting the official results of the Referendum Retirement question which appeared on the September 14, 2004 State Primary Election ballot.
- C.** Minutes of MTA Commission meetings held on July 27, 2004 and September 8, 2004 and the Financial and Ridership Reports for the months of July and August 2004.
- E.** Communication from Robert Gallagher, VP of Marine MGA, Inc., expressing his opposition to the Traffic Committee's approval of transferring the parking permit program from the Traffic Department to the City Clerk's Office.
- F.** Communication from Doris Mrozek, UNH Manchester, expressing her opposition to the transferring of parking permits from the Traffic Department to the City Clerk's Office.

Informational – Refer to the Committee on Lands and Buildings

- H.** Communication from Leo Bernier requesting to purchase land known as Tax Map 415, Lot 1 abutting 90 River Road.

Accept Funds and Remand for the Purpose Intended

- I.** Communication from Joanne Shaffer, Second Deputy Finance Officer advising of the receipt of donations totaling \$2,842.00 for the Manchester Art Fund.

REFERRALS TO COMMITTEES

COMMITTEE ON FINANCE

- J.** Resolutions:

“Amending the FY 2002 and 2003 Community Improvement Program, authorizing and appropriating funds in the amount of Ninety Three Thousand Three Hundred Sixty Four Dollars and Two Cents (\$93,364.02) for FY2003 CIP 712103 S. Mammoth Sewer – Phase 3 Project.”

“Amending the FY2003 Community Improvement Program, transferring, authorizing and appropriating funds in the amount of Twenty Five Thousand Dollars (\$25,000) for FY2003 CIP 713303- South Willow Street Area Improvements.”

“Amending the FY2004 Community Improvement Program, authorizing and appropriating funds in the amount of One Thousand Two Hundred Thirty Three Dollars (\$1,233) for the 2004 CIP 411004 Youth Attendant Program.”

“Amending the FY2005 Community Improvement Program, authorizing and appropriating funds in the amount of Twenty Nine Thousand Eight Hundred Two Dollars (\$29,802) for the 2005 CIP 214105 Manchester Multi-Lingual Asthma Education and Outreach Program.”

“Amending the FY2005 Community Improvement Program, authorizing and appropriating funds in the amount of Ten Thousand Dollars (\$10,000.00) for the 2005 CIP 810305 VISTA Coordinator Project.”

REPORTS OF COMMITTEES

COMMITTEE ON COMMUNITY IMPROVEMENT

- L.** Recommending that the Board authorize acceptance and expenditure of funds in the amount of \$93,364.02 (Enterprise) for the FY2003 CIP 712103 S. Mammoth Sewer – Phase 3 Project, and for such purpose a resolution and budget authorizations have been submitted.
- M.** Recommending that the Board authorize acceptance and expenditure of funds in the amount of \$25,000 (Other) for the FY2003 CIP 713303 – South Willow Street Area Improvements, and for such purpose a resolution and budget authorization has been submitted.
- N.** Recommending that the Board authorize acceptance and expenditure of funds in the amount of \$1,233 (Federal) for the 2004 CIP 411004 Youth Attendant Program, and for such purpose a resolution and budget authorization has been submitted.
- O.** Recommending that the Board authorize acceptance and expenditure of funds in the amount of \$29,802 (State) for the 2005 CIP 214105 Manchester Multi-Lingual Asthma Education and Outreach Program, and for such purpose a resolution and budget authorization has been submitted.
- P.** Recommending that the Board authorize acceptance and expenditure of funds in the amount of \$10,000 (Federal) for the 2005 CIP 810305 VISTA Coordinator Project, and for such purpose a resolution and budget authorization has been submitted

COMMITTEE ON TRAFFIC/PUBLIC SAFETY

- T.** Recommending that a request from the Verizon Wireless Arena for various street closures and redirection of Spruce and Cedar Streets in order to accommodate a safe operating area for equipment and animals of the Ringling Bros. and Barnum & Bailey Circus from October 17 through October 25, 2004 be granted and approved under the direct supervision of the City Clerk, Fire, Highway, Police, Traffic and Risk Departments.

HAVING READ THE CONSENT AGENDA, ON MOTION OF ALDERMAN O'NEIL, DULY SECONDED BY ALDERMAN FOREST, IT WAS VOTED THAT THE CONSENT AGENDA BE APPROVED.

- D.** Communication from Traffic Department employees (Tom Lolicata, Jim Hoben and Denise Boutilier) expressing their opposition to the “plan for parking permits” which was approved by the Traffic Committee on September 21st.

Alderman Gatsas stated I would like to hear from the Traffic Department because it sounds like they are in opposition to the parking permits and I would like to hear a response from them. Maybe I also need to talk to the City Clerk and ask them what the synergies are that are going to be saved or why wouldn't we move the entire process of collecting of funds to

Traffic. When they are out there collecting meters it would make more sense that we move the entire package to one centralized area rather than dividing it up and splitting it.

Clerk Bernier stated I will have to refer that to Carol Johnson and Matthew Normand. They worked on that project in detail.

Alderman Guinta stated I am just wondering if we can combine this with Item R since they are related.

Mayor Baines replied yes I would suggest that we do that.

Item R was added to the discussion:

- R.** Recommending that the Ordinance Violations Bureau be moved under the City Clerk's Office and that all permit parking functions be transferred from the Traffic Department to the City Clerk's Office. The Committee further recommends that these actions be phased in at the discretion of the Clerk and the departments.

Deputy City Clerk Johnson stated I guess I am not real clear on what the question is. If it is a question of whether or not you could combine everything and place it at the Traffic Department, which I think is what you were asking I guess I see no reason why you can't do that. What we had done is responded in a...in February we were requested by the Committee on Traffic to do a report to the Committee regarding parking issues. Of course we submitted that report. We had provided three or four different options to the Committee at the time, one of which was to combine all parking functions under one roof and to enhance the enforcement activities as well. The Committee instead opted to take the third option, which was to break out collections and enforcement and place all collection items together more or less. This was just one of the three options basically that had been presented at the time. The City Clerk's Office at no time recommended that it be placed with the City Clerk's Office initially. That was something that the Traffic Committee determined on its own. I know that when we submitted it, the report, when we said to break out collections we indicated all collections should be together with a collections department, so to speak, that had some familiarity with things because there were so many antiquated items that were going on – not necessarily with the Traffic Department but in Ordinance Violations as well and staff at both departments at the time were very frustrated with something. In that process the Committee had made recommendations to the Board and in the budget process the Board actually took some actions and went forward with some of the items within the report and the Committee later took the action to say that it wanted to place it in the Clerk's Office. It was my understanding that the Tax Department did not want it, that the Police Department concurred that the Ordinance Violations portion should not be with them and the Committee's decision was to send it to the City Clerk's Office.

Alderman Gatsas asked so if I heard you correctly, Carol, when the Clerk did their study they came forward and said that all collections, whether it be collecting funds from meters or

collecting funds from violations through the ticket process, it should all be under one roof.
That was your recommendation?

Deputy City Clerk Johnson responded we provided three available options. One was to do nothing and to continue the fragmentation of the parking system. The other was to combine all administrative functions and enhance the enforcement and the last was to enhance enforcement and break out collections, maintenance and planning into three separate portions. All of the collections, in other words, under one roof. Our final recommendation was that if you are going to do it in steps, which we believed was the only process the City would go forward with, that was the suggested way to do it.

Alderman Gatsas asked if we moved it all under one roof, what is the effectiveness that would be gained if it was all done at Traffic.

Deputy City Clerk Johnson asked are you talking about all collections or are you talking about all parking operations.

Alderman Gatsas answered all parking operations. I would think we have a parking department and all parking operations should be at the parking department and not one place for tickets to be paid where they are collecting for meters on a daily basis...you do collect meters on a daily basis right Tom?

Thomas Lolicata, Traffic Director, answered yes.

Alderman Gatsas asked so you are making deposits every day.

Mr. Lolicata answered yes.

Alderman Gatsas asked so if you had tickets coming in you would include those in your deposits on a daily basis.

Mr. Lolicata answered yes.

Alderman Gatsas asked were we adding employees or deducting employees...what was the effective change. There was no effective change?

Mr. Lolicata answered they are not part of the collection of the meters. What we are talking about here tonight are permits.

Alderman Gatsas replied I will ask the questions and you can answer the questions I ask. Do you collect money for meters every day?

Mr. Lolicata responded yes.

Alderman Gatsas stated and I guess there are tickets that are paid every day so it would be no different for you collecting the tickets and making those deposits along with the coins that are coming out of the meters.

Mr. Lolicata answered yes.

Mayor Baines stated I realize there has been a lot of contention brewing around this issue. Might the prudent course of action instead of debating this until the cows come home tonight is refer it back to the Committee for further study as opposed to spending the next two hours debating this issue and review all of the procedures and all of the recommendations to see if it is still the best recommendation to come forward. I would offer that as a suggestion.

Alderman Porter stated I have two questions. One is I guess there is a question of...shouldn't this be in Administration. I don't think you are dealing with stop signs and painting streets, etc. I think we are dealing with administrative policies and I just thought I would raise that issue. The other is there is, in speaking with Jan from the Ordinance Violations Department, in conversation there was an issue and Deputy Simmons could you come up please? I do have one question that I think is important relevant to the actual operation. With the tickets if somebody gets a ticket and comes in and pays it right away there is no problem but when there is a delay or somebody doesn't pay one then you have to identify the vehicle by its plate number and they send out notices. Is that basically correct? Now they have a system in there, the acronym is S.P.O.T. (State Police On-Line Telecommunications) and in my mind there is a question. Can non-police department personnel utilize that system?

Deputy Chief Simmons responded that is the same question we have. We have had some previous discussion with the state. Originally the conversation was that they would allow that to happen and there wouldn't be that much of an issue making a change over. Since then, we did receive a letter from the state that they do have concerns and further study is needed.

Alderman Porter replied so at this point we certainly don't want to do something that would not be in the best interest of all parties concerned, quite possibly including the state. The integrity of the system is probably of paramount importance to everybody. I would like to move that this be sent to the Administration Committee.

Alderman Porter moved to refer the issue to the Committee on Administration. Alderman Garrity duly seconded the motion.

Alderman O'Neil stated my understanding unless I am incorrect is traditionally parking operations and anything to do with parking and permitting has been the jurisdiction of the Traffic Committee.

Mayor Baines asked Carol is that correct.

Deputy City Clerk Johnson answered yes.

Mayor Baines asked could we refer this to a joint meeting of the Traffic and Administration Committees.

Alderman Porter moved to amend his motion to refer the issue to a joint meeting of the Committee on Administration and the Committee on Traffic. Alderman Garrity duly seconded the motion.

Alderman Shea stated I would like to ask Tom Lolicata a few questions about Traffic. Where did the idea for permits come from?

Mr. Lolicata responded permits originally came out of the Traffic Department. It was our idea.

Alderman Shea asked and how long ago was that.

Mr. Lolicata answered about five or six years ago.

Alderman Shea asked have you had any serious complaints over the years about the way you conduct the permit distribution.

Mr. Lolicata answered none whatsoever.

Alderman Shea asked how about compliments.

Mr. Lolicata answered we get plenty of those.

Alderman Shea asked will any money be saved if, in fact, the proposal suggested comes to pass.

Mr. Lolicata responded this proposal I have been reading about I have been trying to figure out myself where the money to be saved is coming from. I don't know. I can't see it.

Alderman Shea asked how about the morale in the Traffic Department because of all of the turmoil. How would you classify that? We are talking about human beings here right. What is happening?

Mr. Lolicata answered it has been an ongoing thing. It takes its toll after awhile like anything else. It seems that year after year the same thing pops up but they are a good bunch of men. They are strong.

Alderman Shea stated I would like to move to separate the permit distribution from Ordinance Violations and as far as placing the Traffic Division in the City Clerk's Office I would like to receive and file that.

Mayor Baines responded with all due respect, Alderman, there is a motion on the floor that it go to joint committees and the Chair would recommend that as an appropriate...they are all Aldermen and they can all discuss the issues and come forward with some recommendations.

Alderman Shea stated I would like to urge my colleagues to vote on what I am suggesting after we take a vote on that.

Mayor Baines replied there has been a motion and it has been seconded.

Alderman Lopez moved to amend the motion that only the Ordinance Violations issue be referred to the joint committees and that the permit parking functions remain at the Traffic Department. Alderman Sysyn duly seconded the motion.

Alderman O'Neil stated there are actually...the Traffic Department is not the only department that currently issues permits. Ordinance Violations issues residential parking. The garages issue permits for parking in the garages. We need to be clear what we are talking about. The Traffic Department is not the only department that issues parking permits in the City currently.

Alderman Lopez replied I understand that. That is why it is important for the Ordinance Violations issue to go to the joint committees because I believe the parking permit function should remain in Traffic and if the committees decide that they want to separate some things out of Ordinance Violations and give them to Traffic that is fine.

Alderman Forest stated this is getting to be a "he said, she said" kind of thing. I started asking about this over three years ago. It has been to the Administration Committee. It has been in and out of Traffic and to this Board and the idea that I had originally was to combine everything to do with parking. Now we are getting letters...there are certain Aldermen who never attended our Committees. The Traffic Committee, both the new one and the old one last year have worked hard on this. The idea of this was not to separate it because some

department head didn't want it here or some department didn't want it there. There are savings to the City. We have implemented some already with the lock box system and everything else. I recommend that this be passed. It has nothing to do with Mr. Lolicata or his crew. He is not going to lose anybody. He is not going to lose his job. It just makes the system run better. If he wants it, that is fine. We can send it to him. I have talked about this a hundred times already. Portsmouth has it under Highway. Concord has it under Police. Nashua has it under its own department. Portland, ME runs is under its own department. We can send it anywhere we want as long as it is in house and in one department so people don't have to run around the City looking for eight different things.

Mayor Baines stated I would add another important part to all of the discussions about this if all of the discussions were based upon how we could provide better services, more efficient services to the people of the City. That is the number one question that should be asked in all of these potential changes that are being contemplated.

Alderman O'Neil asked for clarification on the amendment.

Deputy City Clerk Johnson stated my understanding of the amendment was to refer...to amend it so that the only thing going to Administration and Traffic is the Ordinance Violations. Parking permits have been removed.

Mayor Baines called for a roll call vote on the amendment. A roll call vote was taken. Aldermen Lopez, Shea, DeVries, Smith, Thibault, Gatsas, Sysyn, Osborne, and Porter voted yea. Aldermen Garrity, Forest, Roy, Guinta and O'Neil voted nay. The motion carried.

Mayor Baines called for a vote on the main motion as amended and asked for clarification.

Deputy City Clerk Johnson stated the motion on the floor would be to refer to the joint Administration and Traffic Committees the referral of Ordinance Violations.

Alderman O'Neil stated having served here a few years I hear a lot of talk during budget time that we need to bring change to government. We have an opportunity to save some money here because there is a vacant supervisor's position in Ordinance Violations. We have an opportunity to improve the hours of service because currently you can only do it between 7 AM and 3:30 PM. If those are the best hours of operation in the City of Manchester for the public to deal with an agency then we should change the entire City of Manchester to those hours. I don't believe they are. I just can't emphasize enough how many times members around this table have said we have to find new ways of doing business that can save money. This is one of those but you can't bring change to the City of Manchester so stop talking about it when it comes budget time because you all do.

Alderman Sysyn stated I understood during the Traffic Committee meeting that there were going to be two upgrades in the City Clerk's Office with this change so I don't think that is saving money.

Mayor Baines responded that is not true. Carol, could you clarify that?

Deputy City Clerk Johnson stated if the department was brought forth to the City Clerk's Office we actually asked the Human Resources Department to do a review. Our recommendation was that there were two positions in Ordinance Violations that were Customer Service positions. If we brought them over in their current position they would be paid less than the other Customer Service Representatives in our office. The difference for that and I computed it today is about \$1,000. We were not taking the supervisor's position. They were not increasing any of the positions within the office, including Matthew's. I know there have been rumors about things and that is not the case. There was no recommendation for an increase to any of the employees of our department as a result of taking this on. It was something we were taking on. We were not going to get reimbursed for the added headaches or the problems that we were taking on with it including staff that are not happy about being moved around so I would like to make that clear. We would not be taking the supervisor's position. It was a \$30,000 to \$40,000 savings with that position alone.

Mayor Baines stated again without getting into a debate on the issue the idea was to provide better services to the citizens of Manchester. That was the whole premise. You can disagree whether it would accomplish it or not. You know maybe at some point in time you could take some of these suggestions and try them for six months and sunset it and give an opportunity for some kind of change and efficiency to be tried out by city government. I have to agree with Alderman O'Neil without getting into a debate on this specific issue that at some point in time we have to be willing to look at the structure and format of city government to see if we can bring about efficiencies. When I think about the time, the effort and the hours that have been devoted to all kinds of efficiency measures that have been brought to the Board and categorically defeated every single time after there has been an uprising with all due respect to the bureaucrats and I was one for many years, that seems to prevail over other recommendations of professionals. We need to start taking a look and making government more efficient. I don't see why there is such a resistance. At least try something for six months and sunset it and we can decide whether it works or not.

Alderman Roy stated I want to thank the City Clerk for starting to clear up some of the rumor and innuendo that has been out there since this proposal surfaced. I would like to thank Alderman Forest for staying diligent on getting some type of cohesion in our parking. I have some questions for Tom Lolicata. Tom, do you oversee Ordinance Violations at all? Do you have anything to do with them at all?

Mr. Lolicata responded no.

Alderman Roy stated so your department and the letters we received are strictly on the permit issue as a clarification.

Mr. Lolicata responded yes.

Alderman Roy stated staying with that you have no objection as to what happens with Ordinance Violations.

Mr. Lolicata replied no I don't.

Alderman Roy stated going back to the parking permit process I would like to clear up a different rumor and innuendo. Who takes care of that at the Traffic Department for you?

Mr. Lolicata responded Denise takes care of them.

Alderman Roy asked and what percent of Denise's job...does Denise have a title. I know the answer but I just want to hear it from you.

Mr. Lolicata answered she is an Administrative Business Officer.

Alderman Roy asked so the Administrative person takes care of the parking permit process.

Mr. Lolicata answered that is just one of her functions.

Mayor Baines stated I just want to remind you that the motion on the floor is to refer it back to Committee where all of these issues can be flushed out.

Alderman Roy responded I agree, your Honor, but we have had considerable conversation and I am not on either of those committees so I would like to clear up some of the rumors. Tom, what percentage of this person's job as I refer to positions and not directly to people, the administration position, how much of that job is parking permits?

Mr. Lolicata replied over 40% at least.

Alderman Porter stated as one Alderman I am not resistant necessarily to change but I think with the Ordinance Violations issue we have ascertained at least one important factor that has to be cleared up before we make a vote on it and here we are once again making a vote on something that can come back and bite us in the rear end and I don't think it is appropriate. I am not resistant to making a change. I want to make that clear. Deputy Simmons, could you provide a letter to us please?

Mayor Baines stated I am going to call for a vote.

Alderman Gatsas stated with all due respect, your Honor, Alderman O'Neil is probably absolutely right and if he wants to move the hours of Traffic from 8 AM until 4:30 PM to make it more convenient for the people in Manchester I don't have a problem with that.

Mayor Baines responded 8 AM to 5 PM are the business hours for the City.

Alderman Gatsas replied whatever it is I don't have a problem with that.

Mayor Baines stated I believe I can do that as Mayor.

Alderman Gatsas stated we are talking about a position that we are saving nickels and dimes on. There has been a contract for the Chestnut Street parking lot that has been sitting in Traffic for over two years and it is costing the City hundreds of thousands of dollars if we want to talk about change then let's make a change that is effective and what is going to save the City some serious dollars. That has been over there for two years and it is has not been done. We continue to extend it. That is wrong. That is change, your Honor. That is significant change.

Alderman Forest stated if he would attend some of our traffic meetings, that was part of it originally.

Alderman Gatsas responded let me jus tell you with MCTV we have the ability to watch it.

Mayor Baines called for a roll call vote. A roll call vote was taken. Aldermen Roy, Guinta, Sysyn, O'Neil, Garrity, and Forest voted nay. Aldermen Gatsas, Osborne, Porter, Lopez, Shea, DeVries, Smith and Thibault voted yea. The motion carried.

- G.** Copy of a communication from U.S. Senator Gregg to Alderman Shea advising of his intention to contact the Director of the Federal Bureau of Prisons regarding the City's opposition to the placement of a halfway house within city limits.

Alderman Shea stated I am referring to the letter that Senator Gregg wrote regarding the halfway houses in Manchester. You have the response but I did receive, for the benefit of the Board, additional correspondence from a person from the U.S. Department of Justice Federal Bureau of Prisons by the name of P.A. Donahue or Mandy. I don't want to read the whole letter but I do want to let people know what is required when a halfway house does come into Manchester. I will refer to her letter, paragraph three, "people who offer to operate halfway houses are required to submit proof that the law enforcement agency with

primary jurisdiction and at least two local government officials have been notified of their intent to open and operate a community corrections program. In addition, these same people are required to submit documentation to evidence community support and the ability to demonstrate support or lack thereof is part of the evaluation process.” I want that, your Honor, to be part of our record here.

On motion of Alderman Shea, duly seconded by Alderman Smith it was voted to receive and file the communication from Senator Gregg.

K. Report of the Committee on Bills on Second Reading recommending that Ordinance:

“Amending the Zoning Ordinance of the City of Manchester by changing the zoning district of property currently zoned IND (General Industrial) to R-SM (Residential Suburban Multifamily) by extending the R-SM zone district on a portion of property identified as TM 478, Lot 8, located on Candia Road.”
ought to pass.

Alderman Shea stated I would like Bob MacKenzie to give us a little insight...this is the rezoning of industrial property out on Candia Road and I would like to know about the school impact because obviously it will be multi-family, as well as what the loss of the industrial and commercial property for economic development might mean in this regard. Could you elaborate a bit for the people on the Board and the public in general?

Robert MacKenzie, Planning Director, stated I would be happy to. There were several issues. This proposal has actually been before the Board for quite awhile. Our office did initially have some concerns primarily related to other issues such as the increasing vacancy rate of apartments in this City. We also noted some concern with the issue of loss of industrial land and I know a couple of the Aldermen had questions and we did actually recently go and view the site. I think the general conclusion of our office was most of the site being rezoned is actually wrapped on three sides by residential and basically weighing the loss of industrial land against the potential negative impact on the adjacent residential areas we felt that in this case it was appropriate to rezone it residential because it would help to protect the adjacent residential neighborhood. On the issue of school impact, generally there would be some school impact. We did calculate, based on recent studies, that between 12 and 14 students would come from this project. I can't tell you whether that would actually increase the total enrollment in the City. The recent projections show that elementary is relatively stable and high school and middle school enrollments will actually decline. It might change the distribution from one school to another but probably not add to the total enrollment in the City.

Alderman Shea stated there is another project that is going on on Wellington Road and that area has an impact on Weston School if I am not mistaken. I could be wrong and it could be Green Acres so what you are talking about is 15 or 20 more children there plus Wellington

Road so I think that is part of the concern that should be kept in mind when we do this.
Anyway, thanks for your explanation.

Alderman Lopez moved to accept the report of the Committee on Bills on Second Reading.
Alderman Shea duly seconded the motion. Mayor Baines called for a vote. There being
none opposed, the motion carried.

Q. Report of the Committee on Joint School Buildings advising that they have
amended Item 4 in the Change Order Policy for school construction as enclosed
herein.

Alderman Shea asked remember when we were discussing the \$1.5 million for the school
project and I came and said to the Aldermen at the time we should look at the elementary
level and I proposed a certain approach to that. I don't want to say I told you so but the
study that came out and the local headlines in the paper indicate that elementary school
updates are needed to give all students equal opportunities and there was serious discussion
about Bakersville School and Parker-Varney and Beech Street School when people appeared
here and wanted to put up walls. Highland needs them and I say to you again that the Board
of Mayor and Aldermen should request from the School Board that certain priorities that
they are listing should be diverted more to the public schools where the kids are not getting
the type of opportunities that they should. I think that the Committee that is examining this
and the people who are working with the School Board should indicate that there should be
certain priorities set so that these children at the lower grade levels are given the same
opportunities. I think that the focus, according to the paper, is on the senior high schools and
I think one of the School Committee members said we are going to focus on this type of
priority first. Well by the time we get to the elementary level either there won't be any
money left or there will be such an insufficient amount that we will not be doing justice to
the children. The study does indicate that, your Honor, and I think serious discussions
should be held at the School Board level to focus on the needs of the children in the lower
grades because if we don't get them then and there we won't reach them at the senior high
school level.

Mayor Baines responded the discussion did take place and the scope of the project was
outlined and that is why they commissioned a further study for the elementary schools
because they knew they were going to have to address that in the long-term.

Alderman Roy stated just speaking to the report of the Joint School Building Committee, so
this Board is aware we included the entire change order policy in your agenda. The addition
is number 4 where it says, "\$25,000 in cost or savings." A situation as brought up where a
roughly \$70,000 savings was not reported to the Joint School Buildings Committee and we
wanted to make sure that that didn't happen in the future. As far as agreement with our
Chairman, I do agree with him and the School Board has set a number of priorities for our

contingency fund and we have advised through our Committee and I think we should advise through here that any spending of the contingency of the \$105 million project at this time would be premature as we are 24 months away from completion of that project.

Alderman Gatsas asked Kevin can you tell me...\$25,000 covers how much of debt service at today's rates.

Mr. Clougherty answered every \$100,000 that we talk about is principle for about \$1 million.

Mayor Baines stated so \$100,000 of debt service for \$1 million.

Mr. Clougherty responded roughly.

Alderman Gatsas stated I am talking about the principle and interest pay down. The reason I say that is you just did a reallocation of debt, which is \$164,000 savings to the School District. What will that \$164,000 cover for debt service if this Board wanted to appropriate a bond for the elementary schools? How much would that pay for?

Mayor Baines stated we can do the math on that but first of all you would have to get the School District to agree to the debt service.

Alderman Gatsas responded if we just did a refunding, your Honor...

Mayor Baines interjected they would still have to agree to assume the debt.

Alderman Gatsas stated I agree but I think if we were looking to appropriate funds...

Mr. Clougherty interjected again we would have to look at that. It would be a general obligation issue as opposed to a revenue bond issue. At today's rates a couple of hundred thousand dollars I don't think is going to get you to where you want to be with the things that need to be done.

Mayor Baines stated it would be \$1.6 million or something like that. Anyway, the comments are well taken. We need to accept this report.

On motion of Alderman Roy, duly seconded by Alderman Forest, it was voted to accept the report.

Alderman Lopez stated it is the Joint School Buildings Committee and the only question I have for Tom Clark is the procedure where the Building and Sites Committee of the School Board makes a recommendation to the Joint Schools Committee in reference to the money

that has to be spent. It is just solely entitlement to the Joint Schools Committee to release that money for any project is that correct?

Thomas Clark, City Solicitor, responded under state law right now once the money has been approved by this Board the Board of School Committee has to approve the scope of any work. The Board of School Committee has delegated that authority to its Building & Sites Committee. Once they have approved the scope of work, the general construction and renovation is under the jurisdiction of the Joint School Buildings Committee. Change orders within the contracts of those are under the Joint School Buildings authority.

- S. Report of the Committee on Traffic/Public Safety recommending that the Police Department continue details outside of the Verizon Wireless Arena. The Committee further recommends that the Police Department come back to the Committee after the tax rate is set and if additional funds are needed at that time, an alternative funding source will be sought.

Alderman Shea stated I realize that there was a discussion made to fund the police for the Verizon traffic and as you know I was obviously not a person...I wanted the Verizon but I didn't like the way the funding was set-up so basically my thoughts run along the line that the Police Department, and certainly this isn't meant to micro-manage anything but when I go to different communities I see different crosswalks available. I am not sure if that is a practical way of trying to control the people crossing Elm Street. I know that there is an auxiliary police detail and they could do that. We have street redirections now or street closures or traffic light modifications. What I am trying to say is with all of the crimes being perpetrated in our community we certainly should fund the police additionally and I am not in favor of doing that this evening as we look at the budget but I am not in favor of paying overtime to police to direct people across the street, which is a want when we have needs in our community with the bad guys running around and doing stuff that is injurious to our community. My thoughts would run along the line that the less money we contribute to controlling traffic and the more money we contribute to controlling crime makes more sense to me. I hope that my colleagues agree with me on that point. I am not in favor, your Honor, of not helping people cross Elm Street when they attend the Verizon but they are adults and I think they can cross Elm Street without too much help.

Mayor Baines replied the only thing I will say to you and I sat down over at the Police Department and reviewed the videos and if we did not work with the Police Department and direct them to restore that service you would have had somebody injured or killed. There is no doubt in my mind that that was the right decision.

Alderman Shea asked are these adults crossing Elm Street.

Mayor Baines answered adults crossing and adults driving. Maybe you should come over and watch that video. I think you would come to the same conclusion. We are protecting the life and safety of people in our community and unless we did that I think we could have had a tragedy.

Alderman Guinta stated I want to echo that a little bit in that I have also seen that video and it was very disturbing. I think the liability that we were placing on ourselves and I am much happier with the restoration of the police activity in that area. I also want to add that there might be a little confusion and the Mayor should be aware of it in that I did have a discussion with the Police Chief and we are going to be restoring funds to deal with some of the criminal activity that is going on in the center city in Wards 3, 4 and 5. That is a discussion that has already been had and has been agreed to. Some of the concerns that have been mentioned by residents, those should be put to rest because that decision has already been made.

Mayor Baines responded thank you for bringing that up because the Police Chief and I have been talking about that in terms of community policing.

Alderman O'Neil stated my understanding in the discussions we had with Chief Jaskolka is that this was not in lieu of other police activities happening in the City. There were still going to be the same number of police officers out patrolling our streets 24/7. I did not view the tape but from personal observation I have seen it happen there. Chestnut and Lake Avenue can be just as bad. It is not as busy as an intersection and I think any time we are bringing on a regular basis over 10,000 people into the City of Manchester we are creating new issues. Whether you voted for the arena or not, there is some responsibility that the City has that comes with that facility and this is one of them. I support it. I support, as I said that night, if the Chief comes back later and says he has some financial concerns we will address them but they are tracking very well.

Alderman O'Neil moved to accept the report. Alderman Garrity duly seconded the motion.

Alderman Gatsas stated I don't have a question specifically on that item but also in Traffic and, your Honor, I have great respect for the Committees we have here and I hate to do what I am going to do but I am going to do it. Just so that Alderman Forest understands I watched the Traffic Committee last week and there was a businessman that came to the Committee and wanted to valet park, get some parking spaces in the parking lot behind us.

Mayor Baines asked can we take that up separately. I would just like to vote on the report regarding police detail.

Mayor Baines called for a vote. There being none opposed, the motion carried.

- U. Report of the Committee on Traffic/Public Safety recommending that regulations governing standing, stopping, parking and operation of vehicles be adopted and put into effect when duly advertised and posted.

Alderman O'Neil stated there was one item that I had a problem with that night. Actually I think there are three items – rescind two hour parking, add one hour parking meters and then one hour accessible parking all related to 1000 Elm Street. I will tell you my biggest concern is not trying to create handicapped accessible parking spaces, I am concerned is this going to be a snowball effect and are we going to end up doing it all up and down Elm Street. More importantly what was said that night...I asked the question could they be provided in the garage and the answer was yes but we would lose money by providing them in the garage. I really took some objection to that, your Honor. That is what was said. This is all about money and they are looking to get two more spaces they can collect revenue on and we give up revenue on the street. I am going to...I would like to go on record as opposed to that issue if we can pull those three items off and then move on the rest of the traffic report.

Alderman O'Neil moved to remove those items related to handicapped parking in front of 1000 Elm Street from the traffic report and accept the remainder of the traffic report.

Mayor Baines stated I will just do that as the Chair and accept a motion on the remainder of the traffic report.

Alderman O'Neil moved to accept the remainder of the traffic report. Alderman Porter duly seconded the motion.

Alderman Gatsas stated I happened to be watching that meeting as I just said and I watched Alderman O'Neil ask that question and I saw the answer and I went back to make sure that I got the minutes from that Traffic meeting because I wasn't sure that I heard it as well as I heard it but Alderman O'Neil said it precisely. The question that was actually asked was, "wasn't there handicapped parking available inside the garage." I think Alderman O'Neil started with that and the answer was yes it was available to handicapped people but now that it is a business we want to make a profit on it. I don't think that is where we should be going.

Alderman Forest stated some of what Alderman Gatsas was in there but some of it is out of context. The gentleman did answer that he had a business and that it was a profit-making business. That is in there but not exactly the way he said it. The handicapped spots that are in that garage are for employees in that building. They come in and pay for the use of those spaces and they are there. The original request for the two handicapped spots in front of that building were requested by the IRS and the Post Office for handicapped people going in to pick up mail or forms. They actually only asked for 15 minute zones. At the Traffic Committee we did it for an hour. If you don't want to put those two handicapped spots in

front of the building, that is fine with me but it was asked for by the two new government agencies that are in that building – well the Post Office is older there but the IRS is new. They wanted some handicapped zones in the front of the building and that is what we voted on. If you have a personality thing with the owners of the building that is fine. If you don't want the handicapped spaces that is up to you but I am recommending that you accept it.

Alderman Smith stated that night I had a very difficult situation with the Traffic Committee. Everything that went on wasn't kosher as far as I am concerned. I am disabled and I don't think there is any reason for putting handicapped signs out in front of that building and I will tell you why, I already have four requests for handicapped parking on individual streets now that this has come out where they can park in the yard but they want to park out in the street. When I did bring this up and I will tell you who the gentleman was, Mr. Nardi. I am not afraid of names. He came out and said it is a matter of money with us. That is exactly what he said. I think it is wrong. I am on the Traffic Committee. I opposed most of the things that night. I was the only one that opposed the thing on the Traffic Committee being parking meters. I really thought it was a wasted effort of that Traffic Committee to pass all of those things. It is a special interest group and no one can tell me different. I think it should be the way it is now and leave it open.

Mayor Baines asked can we get clarification of the motion on the floor.

Deputy City Clerk Johnson stated the motion on the floor at this point as I understand it was Alderman O'Neil by Alderman Porter to move on the balance of items not including the handicapped. We broke it out into two separate reports.

Mayor Baines called for a vote on the motion. There being none opposed, the motion carried.

Alderman Gatsas stated for the record I would like the City Clerk to read into the record an excerpt from those Traffic Committee minutes.

Deputy City Clerk Johnson read the following, "Alderman O'Neil answered no but there was free handicapped parking in the garage before you guys bought the garage. Mr. Nardi responded I understand but we shouldn't be penalized for buying the garage and trying to make a profit. It is a private garage and the handicapped spaces in there don't really service the needs in the front of the building. We are asking the City to provide handicapped parking. It doesn't seem that unreasonable. That is all we are asking to do."

Mayor Baines asked don't you under law have to provide handicapped spaces if you are a private organization. I know the Mall of New Hampshire does.

Solicitor Clark answered it is my understanding that you do, yes.

Mayor Baines stated I just want that clarified.

Alderman Guinta stated as I understand it they are meeting the legal requirement for handicapped spots. The request was for the front because of the new activity in the building with the federal offices that we want there and are trying to keep there. We are talking about two spots. I personally don't think it is unreasonable. I don't think Mr. Nardi is heavily involved in this in one way or the other either. I have had conversations with him since that Traffic Committee meeting.

Mayor Baines asked do you want to make a motion.

Alderman Guinta answered yes. What was the recommendation?

Mayor Baines asked the Clerk to clarify.

Deputy City Clerk Johnson stated the second report that would now be before you would be for all of the items related to the handicapped parking at 1000 Elm Street and the motion would be to either accept or deny the report.

Alderman Guinta moved to accept the report. Alderman Sysyn duly seconded the motion.

Alderman O'Neil stated two things. I think Alderman Smith is exactly right. If we approve this it is not going to stop across the City. Everybody is going to want handicapped parking out in front of their building. Secondly, what Alderman Gatsas provided was what the gentleman said and to me it was a matter of should he provide the handicapped parking in his facility or should the facility provide it and he pretty much said I need the money so I need to have those spaces as revenue. That is what he said verbatim, your Honor.

Alderman DeVries stated as I commented when I was a guest at that meeting that night, I just do not want our feelings for the handicapped spots within that parking garage, which is no longer public, it is a private enterprise that we do not control. Don't confuse that with the need for handicapped individuals to access a very high volume public agency that is the IRS and the federal offices that are in that building. If it is not upheld tonight to keep those two handicapped spots out on the street, which are clearly marked accessible to individuals I think improved signage would have to be put in place to let them know that there is handicapped access through that parking garage. It is not immediately apparent when you go to that building that there is a parking garage to the rear of that building so unless you know the City you would not know to travel to the rear to use the handicapped access into that building.

Alderman Gatsas stated it is not two spaces.

Mayor Baines asked how many spaces is it actually.

Alderman Gatsas answered four I believe.

Deputy City Clerk Johnson stated two out of the five spaces are being designated as handicapped.

Alderman Lopez stated I wonder if the Traffic Committee talked to the ACCESS Committee. We do have that Committee under HR and I wonder if they had input.

Mayor Baines responded the answer is no.

Mayor Baines called for a roll call vote. A roll call vote was taken. Aldermen Roy, Guinta, Sysyn, DeVries and Forest voted yea. Aldermen Gatsas, Osborne, Porter, O'Neil, Lopez, Shea, Garrity, Smith, and Thibault voted nay. The motion failed.

Alderman Gatsas stated in the Traffic Committee there was also a gentleman who came before them who wanted to start a novel idea in Manchester and that was valet parking. I don't think there is a facility in the City that offers valet parking so maybe it is a new embarkment that we are having in the City but it is certainly a good one where we are starting to see businesses innovate and saying we want more customers and we are willing to park their vehicles rather than have them on Elm Street for two hours. He wanted to rent some spaces in the parking lot that we know as the McQuades parking lot right behind that building so when someone was parking the car it was a matter of two or three minutes to retrieve the car and bring it back to the customer. Some of the suggestions were that he take spaces in the Center of NH garage or the Victory garage and that he didn't have to go to the Committee to do that. As many of us have used valet parking in other communities, normally the access to receive your car back is pretty quick and not a few hours later where somebody has got to go a few blocks and then into a garage. The accessibility he was looking to do was because, I would think, of women patronizing the shop at night and having to worry about walking back to their automobiles. I think that maybe allowing him to rent three spaces and not giving them to him for nothing...taking three spaces and bagging them for his use in that back lot certainly is going to bring a whole new idea to valet parking downtown, which is not going to cost the City any money, is going to bring a service and that is obviously what we are attempting to do in Manchester.

Alderman Sysyn stated in the Committee we referred him to get in touch with Tom Lolicata to see if they could work something out. We didn't out and out refuse him.

Mayor Baines asked even if it were in the McQuade's Lot.

Alderman Sysyn stated well there would be other options he could look at.

Mayor Baines asked well did the Committee authorize looking at that parking lot also.

Alderman Sysyn stated we tabled the item until they get together and come up with something.

Mayor Baines stated I agree with Alderman Gatsas. There has to be a way to encourage and to see how that kind of an operation would work. I think we should take advantage of it.

Alderman Guinta stated he was also agreeable to the idea of using the garages.

Mayor Baines responded he had some concerns about that.

Alderman Guinta replied he did but there were a number of potential options that we had discussed and it became clear at a point during the discussion that he should be sitting down with Tom, which he is going to do, and we have tabled it.

Mayor Baines stated we will let Tom and the gentleman sit down and talk about it and see if we can accommodate him.

Alderman Sysyn stated I think, too, because he came in looking for 10 spaces that 3 is a better idea. I don't think he needs 10 to begin with.

Mayor Baines responded let's see if we can work it out. It is great new business and there is a lot of investment going on downtown and we should encourage it.

Mayor Baines called for a recess.

Mayor Baines called the meeting back to order.

A majority report of the Special Committee on Riverfront Activities/Baseball was presented recommending that Staff Recommendation II to close on two parcels (Chinburg and Manchester Downtown Visions) immediately, extend the closing date to October 26, 2004 for the Roedel parcel, and authorize latecomer's agreements in favor of Chinburg on road costs and Baseball Developer on stadium wall costs to be paid by purchaser of hotel parcel be approved; and

A minority report of the Special Committee on Riverfront Activities/Baseball was presented by Aldermen Gatsas and Guinta recommending that Staff Recommendation I to extend the closing date to October 26, 2004 and change the initial payment of principal on the Promissory note until December 1, 2004 be approved.

Alderman Lopez moved to accept the majority report. Alderman DeVries duly seconded the motion.

Alderman Porter asked how does the minority report differ from the majority report.

Alderman Gatsas stated there were two proposals presented to the Riverfront Committee that came from staff. Proposal I was to extend the closing date to October 26, 2004, change the initial payment on the Promissory Note to December 1, 2004 and this would have kept all three parcels under the same parameters that we have discussed in the past or because there could be remediation due on the Roedel property, the hotel, the second option was to close on two parcels – the Chinburg and Downtown Visions immediately and extend the closing date to October 26, 2004 for the Roedel parcel. I had concerns that we were separating the three parcels so that we no longer had the ability to make sure that the \$40 million of valuation that started this deal would have concluded on closing. So that is why I filed the minority report that said we should be going with the first one rather than the second.

Mayor Baines stated if I am correct this is a recommendation of the staff committee and all of the lawyers involved in the whole process as well.

Alderman Porter asked how do they differ.

Alderman Gatsas answered the difference is that all three...in the first one all three parcels would close on October 26, 2004. We would extend the closing date from the 13th of September, which should have happened but we were never told didn't happen to October 26th for all three parcels. Number two...

Alderman Porter interjected all three parcels. That is where I am lost.

Alderman Gatsas responded correct. The Chinburg, Downtown Visions and Roedel.

Alderman Porter stated that is not what this says.

Mayor Baines asked Solicitor Clark to give a legal analysis of the difference.

Solicitor Clark stated the majority report recommends that you sell immediately to Mr. Chinburg and to Downtown Visions the residential parcel and the retail parcel and you allow the hotel parcel an extra three weeks, until October 26, to finish their testing and to then purchase the property at that time. The minority report says you don't sell the residential or retail parcel yet. You wait until October 26 for everything.

Alderman DeVries stated the residential portion of this entire development, and I guess I could ask the Assessors Office or any other staff person who may have the answer, its tax

value I believe is in the range of \$33 million for assessed valuation. Does any staff member want to...

Steve Tellier, Chairman, Board of Assessors, asked could you please repeat the question.

Alderman DeVries stated we were saying the assessed valuation of the property when we look at the distribution, the residential units between the towers and the condo units represents about \$33 million of that.

Mr. Tellier answered I think that is approximate.

Alderman DeVries asked and the hotel is worth about \$7 million.

Mr. Tellier answered a little bit more than that. It depends if you are using a ratio or...\$7 to \$11 million depending on the level of assessment we get.

Alderman DeVries stated so in effect what we have done by releasing the developer of the residential units is we have said that we are still behind the majority of this project representing \$33 million of the \$40 million goal that we were seeking and have assurances to secure that for the City in our tax base. The \$7 million, I mean certainly we are all concerned with the hazardous materials that have been found on the property and whether it will represent a cost that is so great that the hotel developer does not go forward and that is why he has asked for two more weeks for engineering to decide whether or not he can afford to take on the ownership of this property and thus the cost for the remediation. If he comes back to us in two weeks are we then saying that we don't want the residential \$33 million project? Of course we are going forward with that. That is the majority of the tax base that we are leaning on for this. I just don't understand the minority report and even moreso Alderman Guinta because I really thought that he was very soundly behind this project going forward.

Alderman Lopez stated much debate took place in Committee for a couple of hours and just so the rest of the Board members know Bond Council and our attorneys and staff were here and answered just about every question that come up in reference to this. It was unanimous by the staff to endorse recommendation II. As my fellow Alderman said, the Roedel's need those two extra weeks because DES is directing this operation. The Committee is not directing the operation as far as saying what is underneath the ground there and until they give the report to DES and then depending on what they do but they are very confident that they are still moving forward. The worse thing that could happen is there is too much contamination down there and it is going to cost them too much to remove it. That is all speculation at this point. We waited so long to get this project going forward and we, as a Board of Mayor and Aldermen, with the recommendation of the Committee decided to separate the three deeds to the property. Now some people can argue that that shouldn't

have happened but it was done. The Board of Mayor and Aldermen said okay we will do it. So now we find ourselves in a situation where two principals are ready to close and we had to make a decision last night. It was felt by the majority of the members that this was the best way to go. To let Mr. Chinburg move forward and build his condominiums and get something in the ground down there and to get the retail going down there and at the same time we wait two weeks, I mean we have waited six months as it is. I don't believe that two weeks more is a big deal. Let's wait for the results and whatever the results are either he builds the hotel or he doesn't build the hotel and walks away and then we will take on that issue. If we wait, in my opinion, we could lose everything. Now some people might feel that that is okay but I am not willing to gamble at this stage to lose something that has been approved by the Board of Mayor and Aldermen, charged to the Committee to execute the Master Agreement and that is what the Committee is doing. We have brought it back to the Board every time there was a change and this is a change and I hope that you approve the change.

Alderman Roy stated we asked Tom Clark about the legal parts of this and we heard that staff came out with recommendation II. My question is for Kevin Clougherty. The first part is the Promissory Note payment, which would be delayed until December 1, what is that amount?

Mr. Clougherty stated I believe Walter McCabe has that figure.

Walter McCabe, Bond Council, stated the amount that is due and would be postponed a month under Option I is \$774,194.32.

Alderman Roy stated I guess Walter or Kevin could answer this question. Under a worst case scenario of the hotel developer not going forward, by going with the staff recommendation where does that put the project?

Mr. McCabe responded where it puts the project is a closing on two of three parcels. All of the documentation is done, signed and in escrow with regards to those two parcels, as well as with regard to the hotel parcel. We were not able to proceed further because the hotel parcel was not prepared to allow those to move from escrow until they resolved the issue before DES. With approval of Option II you would be able to proceed reasonably immediately to a closing. There is some minor tinkering that would need to be done if you are only doing two out of three because there are some references to all three parcels in the documents. That could be done within a matter of several days and a closing could occur that would also allow this payment that we just discussed to be paid on November 1 versus postponing it in terms of payment to the City. With regard to the hotel parcel, if ultimately the Roedel's choose not to proceed to close the Master Lease would remain in effect with regard to the hotel parcel and the letters of credit relative to that parcel, which is approximately \$700,000+ would remain in effect to secure that obligation. The obligation being the obligation of the

Master Lease and ultimately would be available for a portion of the debt service that the hotel parcel is expected to pick up here when the hotel was constructed.

Alderman Roy stated just to put that in very simple terms, the City would receive full payment from the residential site developer, full payment from the retail site developer and still have an agreement with the hotel developer for the next two weeks.

Mr. McCabe responded yes and I actually had a phone conversation today and confirmed with Manchester Development that our understanding of the basis on which Option II would proceed would be a continuation of the Master Lease as it relates to the hotel parcel and a continuation of the security related to that particular lease. That is correct.

Alderman Roy stated I will reiterate what I said last night that we have an obligation to our taxpayers to put as much on our tax base as we can in order to reduce the debt of the ball stadium that is already being built.

Alderman Guinta stated I would like Alderman DeVries to continue with her critique or criticism of my vote because I didn't quite understand her comments.

Mayor Baines stated I would caution the Board and I appreciate you bringing that up but we really should refrain from doing that as a Board. People have an absolute right to have a position on an issue without having their vote questions. I think we can just leave that alone.

Alderman Smith stated as a member of the Committee I had my reservations but after listening and talking to people on staff and one or two lawyers I thought this was the best possible avenue to approach. I really think the Roedel's have been very, very good. If I was going to buy a piece of land and it wasn't thoroughly clean I would want to know the cost before I bought it. I can see why they are waiting. I didn't realize that Chinburg wanted to go in right away. They found out that he wanted to start. Like I said we never should of as a City divided it into three parcels but we did and that is a problem. We should not have these guys be sacrificed. They are willing to go forward and let the DES say what it is. If they think it is too costly for them to develop so be it. We will have to deal with it. We made the mistakes in regards to this. We never should have split it into three parcels. I will say this. I think we should go and I was wavering between Option I and II last night as you know but I think we should accept the majority report and go with Option II.

Alderman Gatsas asked Mr. McCabe can you talk to us a little bit about the understanding that you may have or we should have about what happens if the Roedel's decide not to conclude their portion of the transaction because the remediation is too expensive.

Mr. McCabe stated at the present time the documentation was all prepared assuming that all three parcels would close together. One of the arrangements worked out between

Manchester Downtown Visions, the master developer and the Roedels was that a portion of the security in the make whole agreement to make sure that if the hotel wasn't developed there was a source to cover the debt service expected to be covered by the taxes from that parcel was an allocation of letters of credit by both the Roedels and by Manchester Downtown Visions to cover that particular exposure. If the Roedels arrangement doesn't proceed, the fact that will be reflected in the paperwork, which has been discussed...it is not that dramatic a document to prepare but has not been prepared since the Committee first accepted the option last night and this Board has not voted yet on how to proceed would be to prepare a simple confirmation that the understanding, which has been orally confirmed today between the City and Downtown Visions is that they have proceeded to close on two of the three available parcels and that the third parcel remain subject to the Master Lease and that the security deposit in the amount of the letters of credit that I indicated earlier would be available as a security deposit for all obligations under the Master Lease.

Alderman Gatsas stated I had called the City Solicitor today and asked him if there was a copy of a make whole agreement. He told me he was going to contact you. You arrived this evening and you gave me this packet of documents. Within that packet of documents there are three make whole agreements that are dated or printed...I don't know if they have been signed and executed. Can you tell me if they have been signed and executed?

Mr. McCabe responded there is a complete set of documents to close the transaction on the original basis that was contemplated that are signed and in escrow.

Alderman Gatsas asked and all of these are documents that would require the signature of the Mayor.

Mr. McCabe answered all of the documents that you are referring to...Tom Clark called me late this afternoon and asked if I could bring along a package of documents that were reflective of what was in escrow. I then arranged to...

Alderman Gatsas interjected your Honor not to belabor this point because let me just get into the point because these 18 agreements your Honor...

Mr. McCabe interjected the documents I brought along are the substantially final versions brought to the closing and are reflective almost exactly of what was signed. There may have been some minor adjustments to attachments and so on at the closing table but those were the closest I had to the final versions in my possession of what has been signed and is presently being held in escrow.

Alderman Gatsas stated now that he has completed his sentence, just for my colleague that sits on the Baseball Committee and for my other 13 colleagues there are 18 documents in here that you, your Honor, signed on behalf of the City that I would think that every one of

the Aldermen on this Board should have been entitled to see before the documents, because you taught me well, your Honor, don't vote on something unless you read it and if we aren't given these documents we don't have that ability. Is the Board going to be privy to this information?

Mayor Baines asked Mr. Clark would you like to address this in terms of the procedure and the legal staff working out the details.

Solicitor Clark answered this project is proceeding very similar to just about every other major project that has happened in this City. The Board takes action authorizing the staff to take certain actions such as the make whole agreements. They were all acted on by this Board I believe on August 25 authorizing the development of those. Staff then goes back with legal staff and Bond Council and makes sure they are drafted in accordance with the intent of this Board.

Alderman Gatsas replied there is a piece of property here that...there is a quit claim deed that says the City would pay \$27,000 for. I don't ever remember voting on that.

Solicitor Clark asked could I see that document. That was one of the three deeds voted on by this Board.

Alderman Guinta stated I want to make a clarification with respect to my vote. I have since signed on to the minority report and I will tell you why. I think the minority was trying yesterday at the Committee to find an alternative to Option II that did a few things. First of all something that was reasonable. Second of all something that protected the City should there be an adverse decision from DES and third allowed the project and the Roedels to continue. I want to make clear that the minority report in no way opposes the Roedel portion of this project. It absolutely in no way opposes the Roedel portion of the project. It is simply instituting a protection should DES make a change in its policy with respect to ground water. I want to make sure that everybody is clear on that, especially the developer.

Mayor Baines called for a roll call vote on the motion to accept the majority report.

Alderman O'Neil asked what are we voting on.

Mayor Baines answered we are voting to accept the majority report of the Committee.

Alderman O'Neil asked which is for what.

Mayor Baines answered to proceed with the closing with Chinburg and Downtown Visions and give the delay to the Roedels to execute the issues with DES.

Alderman Gatsas asked if we are voting for the majority report does that mean that in conclusion with Chinburg and Downtown Visions that if the Roedels don't go forward the \$40 million in assessed valuation may not be there.

Mayor Baines responded I think that has been made clear through discussion.

Aldermen Roy, Sysyn, Porter, O'Neil, Lopez, Shea, DeVries, Smith, Thibault and Forest voted yea. Aldermen Gatsas, Guinta, Osborne, and Garrity voted nay. The motion carried.

Mayor Baines stated before I forget, Alderman Garrity has arranged a ceremony on Friday and I would like him to remind the Board and the public about it.

Alderman Garrity stated at 4 PM on Friday we are going to have the dedication ceremony for the Brown-Mitchell park playground after former Alderman Pariseau and the ballfield after former Ward 9 Alderman Peter Burkush. Combined they served more than 32 years.

Mayor Baines stated it is at 4 PM at the park and then there will be a reception at the fire station following the ceremony.

Alderman O'Neil stated before we leave the item regarding the riverfront I have a comment because I think it is a pretty critical thing and it doesn't have to do with the vote we just took but I did a little research and made some calls today to find out why this whole situation came up and I am a little disturbed by it to be honest with you. I don't want to debate it tonight but my understanding is that sometime around August 23 a consultant wrote a letter to NH DES regarding some concerns with what we will call the hotel site. In the meantime, around September 9 the Roedels were meeting with DES about testing on the Blouin site, which is the piece of separate land that we sold. I refer to it as the triangle. It wasn't until September 29 that it is disclosed to not only the Roedels but to the City this letter of August 23 that has now led to more meetings with NH DES and now has cost the Roedels to do additional testing. I guess my concern is is anyone doing anything about that. Why wasn't that information of late August disclosed to the City and to the Roedels?

Mayor Baines asked does anybody from staff want to comment on that.

Alderman O'Neil stated I think it is a pretty serious concern.

Mr. Clougherty stated it is my understanding that the engineers and all involved are having regular meetings and that would be the forum for those items to be discussed so I think from the City's perspective they are making every effort. I know that Frank Thomas and the City are making themselves available to have discussions. This is unfortunate that it wasn't disclosed but I don't think it was for a lack of...

Alderman O'Neil interjected I am not blaming City staff. They knew nothing about this based on what I understand but five weeks went by and this wasn't disclosed to City staff or to other and I don't want to call them partners because they are all operating individually but it wasn't disclosed. I think it is a very serious matter and I think we should get to the bottom of it. It has caused delays in this project. I hope it wasn't intentional. I hope it was an oversight but the Roedels could have solved this problem the same time they were testing the Blouin site. They could have tested what I will call the hotel site and we wouldn't even be here.

Mayor Baines stated again I think that Mr. Thomas has a lot of the background on that and I encourage you to have a personal conversation with him.

Alderman O'Neil responded I don't think that Frank Thomas was aware of this until it got disclosed late in September so I think it is a very serious matter.

Alderman Roy stated Alderman Gatsas last night brought forward the fact that there was documentation regarding the baseball project that none of us have seen, including the Chairman of the Baseball Committee. I would ask that we sit as a Board of 14 and ask that the package that was distributed to Alderman Gatsas this evening be copied and given to all Aldermen.

Nominations presented by Mayor Baines.

Police Commission

Cal Cramer to succeed himself, term to expire September 15, 2007.

Board of Health

Dr. Laura Smith-Emmick to succeed Dr. Richard Friedman, term to expire July 1, 2007; and

Mary Mongan to succeed Althea Antoniou, term to expire July 1, 2007

On motion of Alderman Garrity, duly seconded by Alderman DeVries it was voted to suspend the rules and confirm the nominations as presented.

On motion of Alderman Forest, duly seconded by Alderman Smith it was voted to recess the regular meeting to allow the Committee on Finance to meet.

Mayor Baines called the meeting back to order.

OTHER BUSINESS

A report of the Committee on Finance was presented recommending that Resolutions:

“Amending the FY 2002 and 2003 Community Improvement Program, authorizing and appropriating funds in the amount of Ninety Three Thousand Three Hundred Sixty Four Dollars and Two Cents (\$93,364.02) for FY2003 CIP 712103 S. Mammoth Sewer – Phase 3 Project.”

“Amending the FY2003 Community Improvement Program, transferring, authorizing and appropriating funds in the amount of Twenty Five Thousand Dollars (\$25,000) for FY2003 CIP 713303- South Willow Street Area Improvements.”

“Amending the FY2004 Community Improvement Program, authorizing and appropriating funds in the amount of One Thousand Two Hundred Thirty Three Dollars (\$1,233) for the 2004 CIP 411004 Youth Attendant Program.”

“Amending the FY2005 Community Improvement Program, authorizing and appropriating funds in the amount of Twenty Nine Thousand Eight Hundred Two Dollars (\$29,802) for the 2005 CIP 214105 Manchester Multi-Lingual Asthma Education and Outreach Program.”

“Amending the FY2005 Community Improvement Program, authorizing and appropriating funds in the amount of Ten Thousand Dollars (\$10,000.00) for the 2005 CIP 810305 VISTA Coordinator Project.”

ought to pass and be enrolled.

On motion of Alderman Osborne, duly seconded by Alderman Shea it was voted to accept the report of the Committee on Finance.

A report of the Committee on Human Resources/Insurance was presented recommending that the Board of Mayor and Aldermen approve in concept the request by the Human Resources Director for authorization to negotiate reimbursement for travel/moving expenses with a candidate for the Economic Development Director position. The Committee notes that such costs are intended to be reimbursed from the MEDO budget.

Alderman Shea stated at the Committee meeting I opposed this because I felt that what we should do, and this was suggested to me by one of the other Aldermen, is not lay our cards on the table first. What we should do is allow the person, the selectee, to negotiate this rather than offering to pay for their expenses. There was discussion and this particular motion was approved 3-2. I really feel that if we put that as part of the negotiation that they are going to be probably asking for a little bit more but if we just make that part of a negotiated item we might be better off.

Alderman Sysyn moved to accept the report of the Committee on Human Resources/Insurance. Alderman Forest duly seconded the motion.

Alderman Porter stated I was that other Alderman and I don't have any problem in reimbursing someone, however, I think if it were held back as a negotiating issue, if someone were interested in the job, if you find somebody locally obviously it is mute but I think if someone is interested in the job the benefit package that the City offers...as a former employee I can tell you as far as I am concerned it is excellent and I think a lot of things will be considered. If that became a sticking point then certainly that could be negotiated but I think to offer it up front is putting all of our cards on the table that's all. It has nothing to do with hiring the best-qualified person.

Alderman O'Neil stated I agree with what Alderman Porter said. Secondly to me it implies that we are on this national search, which to be honest with you I think is a waste of taxpayer's money. The position is not that critical. I think there is probably some talent around Manchester, Greater Manchester and the region that could very easily do this job. Past people who did this job were natives of the area. My personal opinion is that we don't need to spend money on a national search and having people fly in for interviews. I think it is a complete waste of taxpayer dollars.

Mayor Baines stated we are committed to hiring the very best person, no matter where that person lives.

Alderman Roy stated my question is more historical as to a precedent being set and I don't know if Ginny or City staff can give us the answer. Have we ever done this with City employees?

Virginia Lamberton, Human Resources Director, responded it is my understanding that we did through a headhunter to recruit our current Airport Director.

Alderman Roy stated my concern is that we are looking for an Economic Development Director, which as Alderman O'Neil stated we have people doing that job now. I think a precedent would be set here on the City side that I don't think is a road we want to go down with department heads.

Alderman Lopez stated I believe in doing the Airport it came out of their funds.

Mayor Baines called for a vote. Alderman Shea requested a roll call. A roll call vote was taken. Aldermen Shea, Garrity, Smith, Roy, Gatsas, Guinta, Osborne, Porter, O'Neil and Lopez voted nay. Aldermen DeVries, Thibault, Forest, and Sysyn voted yea. The motion failed.

A report of the Committee on Human Resources/Insurance was presented recommending that a request of the Public Health Director for changes in School Health staffing as outlined be approved.

On motion of Alderman Roy, duly seconded by Alderman Shea it was voted to accept the report of the Committee on Human Resources/Insurance.

A report of the Committee on Human Resources/Insurance was presented recommending that it has reviewed ordinances:

“Amending Section 33.081 (4)(a)(Sick Leave) of the Code of Ordinances of the City of Manchester.”

“Amending Section 33.079(H)(Vacations) of the Code of Ordinances of the City of Manchester.”

and recommends same be referred to the Committee on Bills on Second Reading for technical review.

Alderman Garrity moved to accept the report of the Committee on Human Resources/Insurance. Alderman Sysyn duly seconded the motion.

Alderman Smith asked is this prevalent with all of the other various unions and so forth. Is it the same set-up that exists now? I don't know.

Ms. Lamberton stated the unions have requested this and it is in their contract. Some of them have had it in their contract for two years. Some of them just this last round of negotiations.

Mayor Baines called for a vote. There being none opposed, the motion carried.

Communication from the Board of Assessors requesting all or some measure of dispensation from the 98% spending directive in order to address and resolve several issues.

Mr. Clougherty stated our recommendation is that we will be setting the tax rate in the next month and we recommend that the 98% still remain in force. We will be having discussions with the Board over the next few weeks regarding the setting of the tax rate and we can address that issue directly.

Alderman Lopez moved to table. Alderman Shea duly seconded the motion. Mayor Baines called for a vote. There being none opposed, the motion carried.

Communication from Leo Bernier, City Clerk, requesting dispensation from the Board's 98% spending directive due to the unanticipated costs associated with both the September and upcoming November elections and requesting that \$9,500 be set aside in contingency funds for this purpose.

Mr. Clougherty stated we have the same recommendation for this request.

Alderman Gatsas stated I guess my question is can somebody direct me in the ordinances where we can reduce budgets other than freeze hiring without doing it in the budget.

Solicitor Clark stated the Board adopts an overall budget for each department but the Board retains inherent authority to issue directives to departments to not spend portions of it.

Mayor Baines responded we have done that several times in the past.

Alderman Gatsas replied but the way you have done it I believe is with hiring freezes.

Mayor Baines stated I have done it that way to but we actually did a directive right after I became Mayor to cut every budget 1% because of some issues that I heard about the budget I inherited. We also had the Welfare crisis as you remember where we had to save money from individual budgets. So we have done that many times.

Alderman Gatsas responded that you for the clarification.

Alderman Roy stated in looking at the City Clerk's letter and maybe we could get some advice from the Clerk but there are two separate issues in the letter. One is the 98%, which I would move that we table until next month and the second is for further discussion the \$9,500 in contingency.

Mayor Baines responded it is the same issue. They have taken the money from contingency into their budget to deal with the 98%.

Alderman Lopez moved to table. Alderman Shea duly seconded the motion. Mayor Baines called for a vote. There being none opposed, the motion carried.

Alderman O'Neil stated I want to make a comment on that issue. I think as we discussed with the Police Department during the Traffic/Public Safety meeting that we would not leave them hanging and I think we encouraged Chief Kane on the same thing and I don't know why it didn't come out in a report to encourage him to get the ladder trucks back in service when staffing is available but I would say the same thing with the City Clerk. They need to do these elections. It is part of doing business this year and I think we need to stand with them if there are issues afterwards.

Alderman Shea stated the City Clerk is to be complimented for increasing revenues by \$50,000. I would like to ask that other departments conduct a revenue review before the tax rate is set. They are to be complimented.

Communication from Leo Bernier, City Clerk, suggesting the first meeting of the Board in November be held on Wednesday, November 3rd rather than November 2nd due to the State General Election.

On motion of Alderman Thibault, duly seconded by Alderman Shea it was voted to approve the request to hold the first Board meeting in November on November 3, 2004.

Communication from Thomas Bowen, Director of the Manchester Water Works, requesting a continuation of a leave of absence for Ms. Terry McNeil through February 6, 2005.

On motion of Alderman O'Neil, duly seconded by Alderman Porter it was voted to approve the request for a continuation of leave of absence for Ms. Terry McNeil through February 6, 2005.

Communication from Chief Jaskolka requesting permission to place an offer to agencies as to whether or not they would be interested in acquiring three (3) K-9 vehicle inserts and if so, provide them without the need for a bid process or cost to them due to the wear and tear of the inserts.

On motion of Alderman O'Neil, duly seconded by Alderman Shea it was voted to approve the request.

Response from Kevin McCue, Chairman of the Planning Board to a request by Attorney Richard Fradette that the Board issue a building permit for 180 and 192 Watts Street pursuant to RSA 674:41.

Deputy City Clerk Johnson stated the Clerk actually has a motion for this item. The motion would be, if the Board so desires, to authorize the issuance of two building permits consistent with the landowner's request and the Planning Board's recommendation upon the landowner's proof of having executed a public notice pursuant to RSA 674:41-1.d limiting the municipality's responsibility and liability.

Alderman Roy moved the motion as stated above. Alderman Sysyn duly seconded the motion.

Alderman Shea stated I know that the attorney is here but why isn't the usual procedure for a building permit being followed in this case. What makes this matter different or special that it requires Aldermanic approval?

Mr. MacKenzie responded just to give you a short answer this is a relative new State statute that provides a different procedure. This, I believe, is the first application and it does require that it come to the Board of Mayor and Aldermen.

Alderman Shea asked and it doesn't interfere with the role of the Zoning Board in any way, shape, manner or form right.

Solicitor Clark answered it does not.

Alderman Shea stated it is unusual. Now are we going to have similar cases come before us in this regard.

Mr. MacKenzie responded we will have similar cases come before the Board. Again, the process should be a recommendation to the Planning Board to see if it basically sets a

precedent. I don't think you will see an avalanche of these applications but you will see more.

Alderman Shea asked is there opposition on the part of residents on Watts Avenue regarding this particular proposal. Yes or no? I hate to put you on the spot, Bob, but I am just wondering. This is unusual and this has been a long-standing issue with the people there and I am wondering if they are in opposition to this or not.

Mr. MacKenzie replied I am not aware of any opposition. I am also not aware that there were any...these lots were pre-existing so it did not need a subdivision or notice to abutters.

Mayor Baines stated and again this is the recommendation of the Planning Board, which has reviewed all of the issues correct.

Mr. MacKenzie answered yes.

Alderman Smith stated I know it says no liability for the City but I hate to have something happen at like Sandpiper Village and so forth. Who will be collecting the garbage and will they get water from the City? What is the situation? If we are not going to have any liability or anything are they doing everything themselves?

Richard Fradette, Attorney for the applicant, stated in answer to the question about municipal water and sewer this is actually going to be a private road and water and sewer would be municipal. The liability limitation has to do with any injuries and more of a civil liability than it does for services. Water and sewer would still be municipal. We are talking about two lots on a private way.

Alderman Smith stated but the City wouldn't have any responsible. The private owners would be responsible for taking care of their own needs like garbage and so forth?

Atty. Fradette responded they would get it to where it would be picked up by the municipality.

Alderman Smith stated then they would have to put it on somebody else's property wouldn't they.

Atty. Fradette responded no. The road is...

Alderman Smith interjected I am very familiar with it. I know one of the residents up there gave me a call.

Atty. Fradette stated this would be a common way. There are going to be two lots and a common way that allows for the two buildings. They would put their trash at the opening of the common way. There is an easement. This was discussed before the Planning Board. There is going to be an easement created for a common driveway to be between the two owners of that property. There was a question earlier about the process. This is actually here because of the ZBA. It was referred by ZBA to this particular process.

Alderman Smith asked are you telling me that no one was against this proposal. No residents?

Atty. Fradette answered I didn't say that.

Alderman DeVries stated actually I was going to suggest that if the Board wants to review the minutes from the ZBA hearing to get a better idea of what the public comment might have been that it might be the best process for us to follow tonight to table this and wait for the copies to be distributed from the public hearing that the ZBA had so that we can see what kind of public comment there was.

Atty. Fradette stated if I may this process has been going on for about 18 months. There is one abutter that opposed the proposal. We were referred and actually obtained a petition of quiet title vesting title to the property. This is a discontinued section of the road. By operation of the law, each abutter acquires to the midline. The City takes the position that you can only proceed with getting a building permit if you establish fee title to that mid section. The abutter opposed and staked a claim on my client's one half. In other words, my client's one half of the road the abutter said I have an interest in continuing to go over your section of the road. We had to do a petition of quiet title. There is a Superior Court order of about four pages establishing title to the property to my client. So this abutter no longer has any rights to go over that section of the road. Now, pursuant to this statutory procedure having established title to the property through Superior Court decree, we are asking that this Board authorize the issuance of two building permits. So the abutter that had, and the abutter incidentally was in court and took the witness stand, raised his right hand and solemnly swore to tell the truth, the whole truth, stated his case to the court, the court heard the issue and incidentally the issue isn't that he doesn't want his neighbor to build because he testified in Superior Court that he really didn't have a problem with that. It is that he wanted to continue to go over that section of the property to get access to his back lot, which he can access over his half of the discontinued road.

Mayor Baines asked now previously this type of decision would be made by the Planning Board and a law was passed to bring it to the governing body.

Mr. MacKenzie answered previously it would have been going to the Zoning Board of Adjustment because there was no public street frontage per say to these lots. The State

statute was changed. It provided this new procedure, which was somewhat unusual that allowed the Board of Mayor and Aldermen to make decisions after a recommendation of the Planning Board.

Mayor Baines stated the only thing I would caution the Board about is that we have these Boards and they make a recommendation and I hope that we are not now going to become a quasi Planning and Zoning Board because of this.

Alderman Shea asked could the Zoning Board, if they so choose, have made a decision concerning this.

Atty. Fradette asked are you asking for my opinion.

Alderman Shea answered yes. Could they or couldn't they?

Atty. Fradette stated in my opinion they could have.

Alderman Shea responded and they chose not to.

Atty. Fradette replied they chose to direct us to this new procedure.

Alderman Shea stated but if, in fact, we decide to send it back to them they can make a decision. Is that correct?

Mayor Baines responded he is not in a position to answer that. He has an opinion. The Solicitor might be able to answer that.

Alderman Shea stated I have been before the Zoning Board I don't know how many times. I have seen you there and you have seen me there. I have never in nine years had a case like this. I realize the statute has changed but by the same token if we have a Zoning Board and we complimented a gentleman who served 23 years tonight and if they can't make a decision and they are asking us to make it but they can make it there is a reason for them not making it and that is my point. Logically, they can make a decision.

Mayor Baines stated the City Solicitor is really the person to try to answer that question.

Solicitor Clark stated Alderman Shea is right. The statute has changed recently. This is the first time it has come before this Board. The Zoning Board had jurisdiction under an application for variance where they could have made a decision but they had the option of saying go and use the other process. That is what they did. This Board does not have the authority to refer it back to the Zoning Board. That has to be through an application for a variance for them to take action. This Board has the authority to either grant the building

permits or to say no. The statute doesn't mandate you grant them. It says it allows you to grant them.

Mayor Baines asked and the Planning Board has recommended it.

Solicitor Clark answered correct.

Mayor Baines stated I would ask that we get to a point and vote on this thing.

Alderman Porter stated maybe I can put everybody at ease hopefully. I can't say that I am comfortable voting on this. I really don't know. It has been a year and a half and I understand that Rick and is unfortunate and now this has come here on our agenda tonight and I will move to table until I can make myself more aware of what is going on.

Alderman Shea duly seconded the motion.

Mayor Baines called for a roll call vote. A roll call vote was taken. Aldermen Roy, Gatsas, Guinta, Sysyn, Osborne, Lopez, Garrity, and Thibault voted nay. Aldermen Porter, O'Neil, Shea, DeVries, Smith and Forest voted yea.

Mayor Baines called for a roll vote on the original motion to authorize the issuance of two building permits consistent with the landowner's request and the Planning Board's recommendation upon the landowner's proof of having executed a public notice pursuant to RSA 674:41-1.d limiting the municipality's responsibility and liability.

Alderman Lopez stated we have two Aldermen that sit on the Planning Board and are there all of the time and the Planning Board has indicated in the document that they are recommending it. The only thing is the authority has been given to us by State law to go along with it. If the Planning Board had no recommendation I would say no we should send it back and get an opinion form them. I don't know what the beef is.

Mayor Baines asked the Clerk to proceed with the roll call. A roll call vote was taken Aldermen Roy, Gatsas, Guinta, Sysyn, Osborne, Lopez, Garrity, and Thibault voted yea. Aldermen Porter, O'Neil, Shea, DeVries, Smith and Forest voted nay. The motion carried.

Alderman O'Neil stated what I am more concerned about is the Alderman who represents that ward has asked for more time to take a look at this. That is a courtesy that is usually granted here and was not granted, which I feel bad about.

Communication from Attorney Vincent Wenners, Jr. advising that Mr. Russell Bond, a retired Manchester Water Works employee should be receiving a pension at "half pay" rather than the lesser amount which disregards his standby pay.

Mayor Baines stated this has been awarded in the same way all of the pensions under the old system have been awarded. The motion would be to receive and file.

Mr. Clougherty responded that is correct.

Alderman Garrity moved to receive and file. Alderman Forest duly seconded the motion.

Alderman Forest asked for an explanation of the calculation.

Mr. Clougherty stated under the old retirement system, not the new contributory retirement system or the state system but under the old system the calculation of retirement benefit has always been consistent. It has always been based on what your base pay is and not included in that calculation is overtime and other things. My understanding is that when the new retirement system was put in place in 1974 in order to incentivize people to join those types of calculations were included. My understanding is that the way the current pension for this gentleman has been calculated is the same way it has been done for 30, 40 or 50 years. We are not looking to change that going forward. If you were to change that I would suspect you would have to go back and recalculate everybody else's pension.

Alderman Forest asked is there a particular reason why this never came to the Human Resources Committee.

Mayor Baines answered the letter came to the full Board is probably why it happened but that is a very good point.

Alderman Smith stated I retired in the old plan and I think this is a little bit different. From what I understand of the situation he had mandatory stand-by and mandatory stand-by means he can't leave town or do anything. He got that once a month from what I understand. It was mandatory. So this is part of this pay, which he got every single month and if he wasn't there no one else could do the job because he had to be there. I would like to have Mr. Bowen come up and comment on it.

Alderman Forest stated can't we just send this to the Committee on Human Resources.

Mayor Baines stated I would feel more comfortable if the Board did that.

Alderman O'Neil moved to refer the item to the Committee on Human Resources. Alderman Forest duly seconded the motion. Mayor Baines called for a vote. There being none opposed, the motion carried.

Notice of reconsideration given by Alderman Gatsas on motion that Ordinance:

“Amending the Zoning Ordinances of the City of Manchester by amending Article 13, Section 13.04 ‘Computation of impact fee’.”
pass and be ordained.
(Motion having carried with Aldermen Sysyn, Osborne, O’Neil, Shea, DeVries, Smith, and Thibault voting yea. Aldermen Gatsas, Guinta, Garrity, Forest and Roy voted nay. Aldermen Porter and Lopez were absent.)

Alderman Gatsas moved for reconsideration. Alderman Roy duly seconded the motion.

Alderman Gatsas stated I think it is imperative that we take a look at what these charges are because I don’t think that the impact fees we are looking at, when you start looking at what the effect is on construction of homes today, it is going to be an add on. There is no question. The add on, people can look at it and say that a \$2,300 add on is applied to the tax rate so it is a good thing for the City of Manchester because we are receiving more taxes but I don’t think that is what we are looking at for impact fees. Your Honor, I would like to see if we can send this back to a Committee to get some impact fees that are a little bit more reasonable than what we have before us.

Mayor Baines called for a vote on the reconsideration. Alderman Gatsas requested a roll call vote. A roll call vote was taken. Aldermen Gatsas, Guinta, Garrity, Forest and Roy voted yea. Aldermen Sysyn, Osborne, Porter, O’Neil, Lopez, Shea, DeVries, Smith, and Thibault voted nay. The motion failed.

Ordinance:

“Amending Chapter 38: Code Enforcement of the Code of Ordinances of the City of Manchester by inserting new penalties in Section 38.06(A): Citation Penalties for various violations of Chapter 94: Noise Regulations.”

This Ordinance having had its final reading by title only, Alderman Thibault moved on passing same to be Ordained. Aldermen DeVries duly seconded the motion. Mayor Baines called for a vote. There being none opposed, the motion carried.

Bond Resolution:

“Authorizing the Issuance of additional Bonds and Notes for Demolishing the existing Derryfield Golf Course Club House and Constructing, Originally Equipping and Furnishing a New Derryfield Golf Course Club House in the amount of \$450,000. Reaffirming the authorization of the Execution of a Management Agreement between the City and BLL Restaurant, Inc. for the Operation of the New Derryfield Golf Course Club House and Authorizing the Mayor and any other designee Thereof to take any and all Other Actions to Accomplish the Purposes of this Resolution so as to increase the entire Bond funding to \$2,750,000.”

On motion of Alderman O'Neil, duly seconded by Alderman Roy it was voted to read the Bond Resolution by title only, and it was so done.

Alderman O'Neil moved that the Bond Resolution pass and be Enrolled. Alderman Roy duly seconded the motion. Mayor Baines called for a vote. The motion carried with Aldermen Guinta and DeVries being duly recorded in opposition.

Resolutions:

“Amending the FY 2002 and 2003 Community Improvement Program, authorizing and appropriating funds in the amount of Ninety Three Thousand Three Hundred Sixty Four Dollars and Two Cents (\$93,364.02) for FY2003 CIP 712103 S. Mammoth Sewer – Phase 3 Project.”

“Amending the FY2003 Community Improvement Program, transferring, authorizing and appropriating funds in the amount of Twenty Five Thousand Dollars (\$25,000) for FY2003 CIP 713303- South Willow Street Area Improvements.”

“Amending the FY2004 Community Improvement Program, authorizing and appropriating funds in the amount of One Thousand Two Hundred Thirty Three Dollars (\$1,233) for the 2004 CIP 411004 Youth Attendant Program.”

“Amending the FY2005 Community Improvement Program, authorizing and appropriating funds in the amount of Twenty Nine Thousand Eight Hundred Two Dollars (\$29,802) for the 2005 CIP 214105 Manchester Multi-Lingual Asthma Education and Outreach Program.”

“Amending the FY2005 Community Improvement Program, authorizing and appropriating funds in the amount of Ten Thousand Dollars (\$10,000.00) for the 2005 CIP 810305 VISTA Coordinator Project.”

On motion of Alderman O'Neil, duly seconded by Alderman Thibault it was voted to dispense with the reading by titles only.

Alderman Osborne moved that the Resolutions pass and be Enrolled. Alderman Smith duly seconded the motion. Mayor Baines called for a vote. There being none opposed, the motion carried.

TABLED ITEM

Bond Resolution:

“Authorizing Bonds, Notes or Lease Purchases in the amount of Two Hundred Fifty Thousand Dollars (\$250,000) for the 2005 CIP 811305, Revaluation Update Project.”

Deputy City Clerk Johnson stated my understanding from the Assessors is that they would like this item deferred to the next Board meeting.

NEW BUSINESS

Alderman Roy stated after consultation with yourself and the Chairman of the Board I would like to make a motion to allow the Parks and Recreation Commission to review and approve athletic and little league field namings and establish a policy for such.

Alderman Lopez duly seconded the motion.

Mayor Baines stated we have the authority under the Charter to give Commissions various authority. Any issues relating to naming of little leagues parks under their control would be given to the Commission in concert with the Director.

Alderman O'Neil stated I am lost here.

Mayor Baines stated for example if somebody has an idea that they want to name a little league field after somebody instead of having it come to the Board we would have it go to the Parks & Recreation Commission. Those fields are under their authority. That is an authority that they used to have. It is being done so that we do not have to deal in this environment with naming little league fields. They know what is going on and they work with the little league organizations.

Alderman O'Neil responded we name other things like buildings, etc.

Mayor Baines stated they are going to develop a policy for it. It just seems like an appropriate place for it to be.

Alderman Roy stated just to answer that question there is no clear-cut policy in the City for naming things. When it comes to athletic fields, I have discussed it with the Parks Director and he feels that it would be good to get our Commission to look at that and establish a policy and clarify whose authority it comes down to.

Alderman Forest stated I have a concern with that. There are a lot of little league parks in the City that have been named for deceased ballplayers and such. Would that change?

Mayor Baines responded no. Could you just clarify the way it used to work Alderman Lopez?

Alderman Lopez replied I think what we are doing is giving the authority to them. If they violate it or whatever the case may be, we will take the authority back but the Parks & Recreation Commission is going to set up a policy with all of the names of the different parks in the City. For example Lally Field over at Southwest Little League, Sullivan Field, Lewis Field...they will have a pattern so when somebody comes in and says I would like to rename Lewis Field well they are not going to do that. They are not going to rename. They are not going to be asked to rename something. You are giving them the authority to name

something that is not named already. That is the problem we have always dealt with at the Commission and I believe they can handle it.

Mayor Baines stated and we should be willing to delegate authority from time to time.

Alderman Smith stated I would just like to state that I imagine the schools would have something to say about certain fields. Some fields are under the School District's authority.

Mayor Baines responded we are just talking about little league fields.

Alderman Smith asked just private little league fields.

Mayor Baines answered that is all we are talking about. That is it.

Alderman O'Neil stated I just want to clarify that that is all it is, little league fields.

Mayor Baines responded yes that is it.

Alderman Porter stated in the future if an Alderman has something like that in their mind maybe they could inform other Aldermen. To come in here cold is a little bit difficult.

Mayor Baines replied I agree and the other part of it...the School District did do this. They now have a policy on naming so nobody can come into a meeting and say I move to name so and so such and such. I think we need such a policy. We are going to be reviewing it and perhaps we can come to the Board at a later date with a policy so there is actually a process and a procedure to follow. I agree when you just bring in a name out of the blue it makes it difficult for people when there is not a process to review it.

Mayor Baines called for a vote on the motion to allow the Parks and Recreation Commission to review and approve athletic and little league field namings and establish a policy for such. The motion carried with Alderman Forest being duly recorded in opposition.

Alderman Shea stated I want to mention to you, your Honor, that I have asked three people to serve on a Committee – Aldermen Gatsas, Porter and Lopez in order to delineate the responsibilities and duties of the Chairman of the Board. I realize that at this time you have occasionally had contact with me but the Aldermen themselves have...in other words they selected me as their Chairman and I would like Aldermen to feel free to contact...I think they are going to have a meeting to present their ideas. Already I had one suggestion and that was by Alderman Guinta and he wanted me to get taller so I jumped on his chair and overshot him but other than that, your Honor...

Mayor Baines interjected and there are also Charter issues involved in that and statute issues as well that clarify exactly what that is but I think that is a good idea.

Alderman Lopez stated I would like to say for the sake of my colleagues that I think it is very important and it is a new issue to me and it is an old issue so to speak but I am going to ask Solicitor Clark...I want to assure all Aldermen that during this process of the baseball stadium many issues come up on a daily basis and at no time did a Committee or any member of my Committee know about this situation. They were trying to resolve many issues in the final analysis. In the end they said they had this problem which was on a Thursday and they had a meeting on Friday and on Monday. Tom, I would like you to elaborate on some of the...this was not the only issue that staff had. You had many things that you had to do and I want to assure my colleagues that staff worked very hard on it.

Solicitor Clark responded that is correct. The environmental issue was the last major issue that had to be satisfied. The City had the documents ready for closing as of September 3, however, among the developers themselves there were some issues that needed to be cleared up including different easements rights they were granting to each other. They were working hard on trying to get those done. Staff was trying to assist them to get those things done. When the environmental issues came up at the end my office helped facilitate a call with the Attorney General's Office and the attorney for DES to try and get the parties to understand what everybody was saying. There were misconceptions of what different people were saying and how they were hearing it. We think we helped facilitate that.

Alderman DeVries stated certainly in response to Solicitor Clark I can understand that many things come up in the course of doing business in finalizing the deal. What I don't appreciate, though, is coming into a meeting not knowing that a major deadline has passed. I was under the assumption and I think most of the Committee was under the assumption until the day of our Committee meeting that that parcel had been closed. I think the entire Board should have been notified on the 14th of September when the deadline of September 13 was missed, which was the 60 day drop dead date and then we could ask our questions to find out why.

Solicitor Clark responded I don't disagree with you.

Alderman O'Neil stated I have something that I have spoken to you about and I know you have put efforts into it but I am very, very disappointed that in the first week of October we still don't have proposals before us for the firefighters or for the Water Works. We need to let the School situation run its course but four months into this we don't have their contracts. All of the people negotiating got their raises in early July. I am extremely, extremely disappointed that it hasn't happened. You and I have spoken about this a number of times.

Mayor Baines stated I have very similar concerns. As you know I have been working behind the scenes to try to bring some resolution. What I will do is if there isn't resolution by the next Board meeting we will bring the issues in and have the Board weigh in on how they wish to move forward. I agree with you.

Alderman O'Neil responded I think we could settle it in 15 minutes probably.

Mayor Baines replied I am not saying I agree with that, but I will let your statement stand on its own.

There being no further business, on motion of Alderman Smith, duly seconded by Alderman Garrity it was voted to adjourn.

A True Record. Attest.

City Clerk